

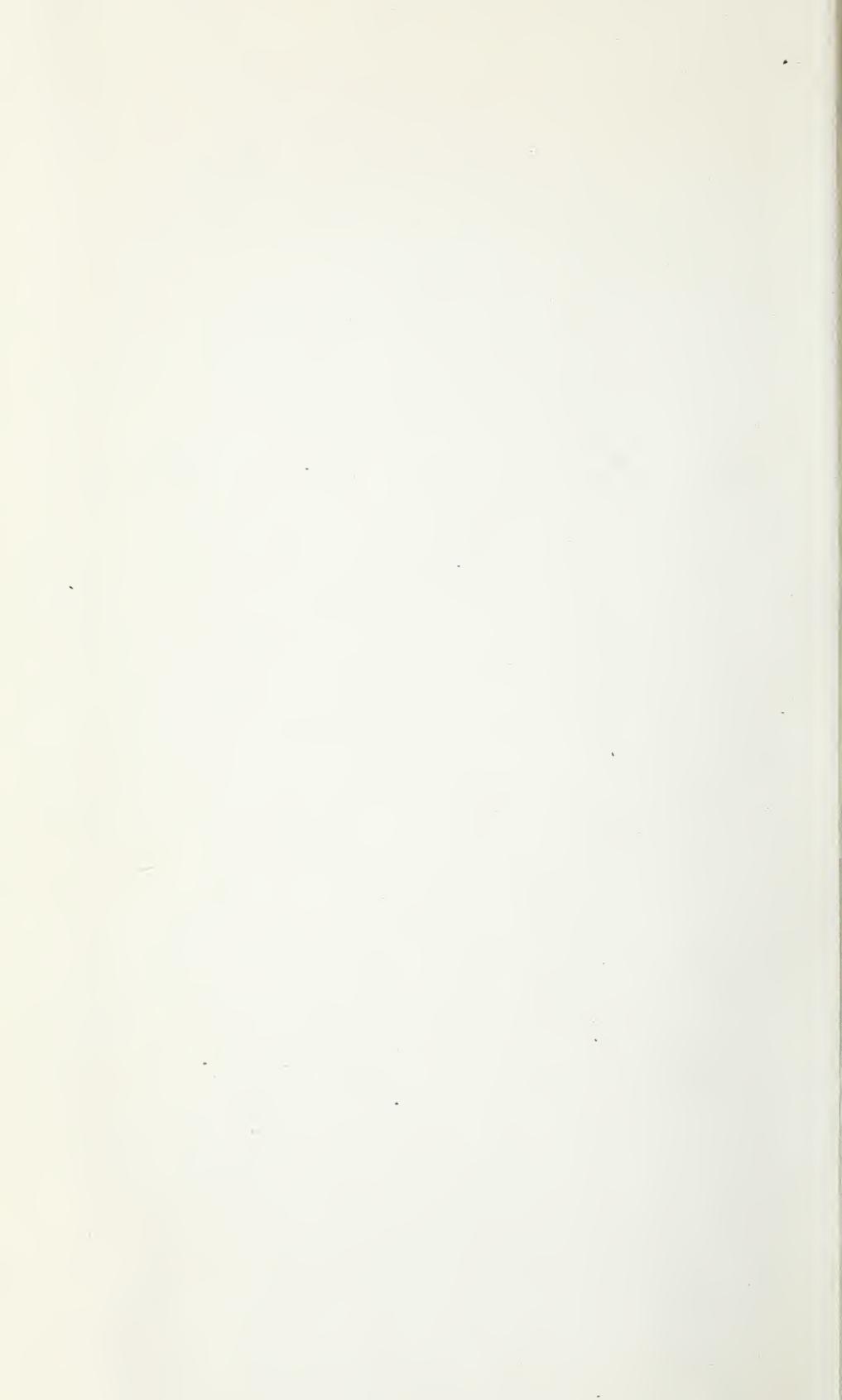
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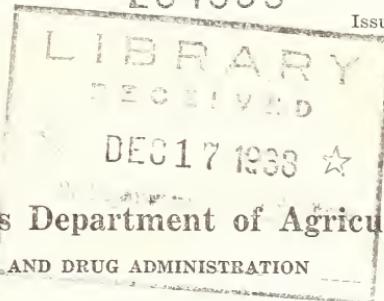
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29001-29050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 3, 1938]

29001. Misbranding of Pon-Tam-Pon and Glycerant. U. S. v. 21 Cartons of Pon-Tam-Pon and Glycerant. Default decree of condemnation and destruction. (F. & D. No. 42049. Sample No. 18623-D.)

These products were misbranded because of false and fraudulent curative and therapeutic claims and because of false and misleading representations that the tampons contained free iodine.

On March 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons, each containing a tampon and a tube of Glycerant at Los Angeles, Calif.; alleging that the articles had been shipped in interstate commerce on or about November 17, 1937, from Rutland, Vt., by the Pond Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tampons consisted of gelatin capsules containing a jelly composed of glycerated gelatin, boric acid, and an iodide; a layer of powder composed of silver nitrate and boric acid and a bundle of wool fibers. The tube labeled "Glycerant" contained glycerite of starch and boric acid.

Misbranding was alleged in that the following statements appearing in a circular contained in the package were false and misleading since the tampons contained no free iodine: "Wherever germs can go iodine can follow, but more rapidly. * * * original and pure state * * * Iodine. * * * With iodine equivalent to 20 percent of the Tincture * * * Iodine." Misbranding was alleged further in that certain statements appearing upon the carton, in a circular contained in the package and upon the tube labeled "Glycerant," falsely and fraudulently represented that the articles when used together, were effective in the treatment of gonorrhea in women; and that the Glycerant when used separately was an effective treatment for inflammation, skin diseases, hemorrhoids, sores, sore gums, etc.

On April 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29002. Misbranding of I. G. Antiseptic. U. S. v. 182 Bottles and 154 Bottles of I. G. Antiseptic. Default decree of condemnation and destruction. (F. & D. No. 41737. Sample Nos. 891-D, 892-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its antiseptic and germicidal properties, and it failed to bear a statement of the quantity of isopropyl alcohol contained therein.

On February 15, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 336 bottles of I. G. Antiseptic at Worcester, Mass.; alleging that the article had been shipped in interstate commerce on or about November 13 and 23, 1937, from Syracuse, N. Y.,

by Norzel's Beauty Products Manufacturing Co., Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, isopropyl alcohol, glycerin, and small proportions of sodium chloride, potassium iodide, sodium carbonate, iodoform, and perfume material. Bacteriological tests showed that it was not an antiseptic under conditions of practical usage.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since the article would not accomplish the effects claimed: (Label) "Antiseptic * * * use I. G. freely around cuticles to prevent infections. * * * Use I. G. after shaving to prevent barbers itch and many other infections"; (circular) "First Aid Antiseptic The Sign of Protection Against Irritation and Infection * * * The danger of permanent wave burn lies not so much in the burn itself as in the infection which may arise. Burns and infection do not always make themselves apparent before the client leaves your shop. To be on the safe side always take the sure, easy precaution of sponging the scalp with I G after permanent waving * * * A simple cut caused by a hangnail or cuticle being removed by nippers or scissors may leave the cuticle open to incipient infection. Infection may take hours or days before it becomes noticeable. To serve the best interests of your clients and to protect your own business, use I G freely around the cuticle after each manicure. The healing action of I G soothes the hurt and its germicidal action sterilizes the wound. Infection is arrested before it even starts! * * * Falling hair * * * and excessive dandruff are frequently due to germs. The germicidal action of I G * * * will prevent causative germs from setting in when pores are open. * * * I G will prevent the danger of any unpleasant after effects. * * * Many of your customers are sensitive to the effects of hair dyes. The dye enters the pores of the scalp and an itching sensation is noticed. If the affected person does not aggravate this itching the effects will be negligible. Scratching or rubbing may cause serious infection which will reflect on you. To prevent unpleasant 'kick-backs' moisten absorbent cotton and apply to the treated areas. I G enters the pores and breaks down the dye. The cause of itching is removed and no after effects are noticed. I G will soothe irritation and prevent infection. * * * After each eyebrow treatment sponge the surrounding area with I G and take precaution against infection. Protect yourself against these dangers. —and what precautions do you take in your business to protect your patrons from infections? If you have been a constant user of I G this question can be answered convincingly. The slight extra care you take in applying I G as a preventative measure is well repaid by the freedom you find from worry, * * * Before being placed on the market I G was exhaustively tested on every point of effectiveness * * * Today I G is available to you and you can use it with every confidence in its ability to protect your clientele."

The article was alleged to be misbranded further in that certain statements in the labeling regarding its curative and therapeutic effects, falsely and fraudulently represented that it would prevent, heal, and eliminate infections, would take away inflammation; that it was effective as an antiseptic scalp treatment to arrest hair falling and to remove dandruff; that it would restore cells and pores to a normal healthy condition; and that it was effective as a preventative of barber's itch and as a treatment for burns and skin eruptions.

Misbranding was alleged further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained in the article since no declaration of the quantity or proportion of isopropyl alcohol was made.

On May 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29003. Adulteration of catgut ligatures. U. S. v. 1,000 Dozen Tubes of Catgut Ligatures. Unsterile portion condemned and destroyed. Remainder, with consent of claimant, retained by marshal and subsequently ordered destroyed. (F. & D. No. 29736. Sample No. 28829-A.)

This product consisted of ligatures identified by various control numbers. Ligatures were examined from four of the control numbers. Nine out of twenty-four examined from one of the control numbers were unsterile.

On January 10, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court

of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 1,000 dozen tubes of catgut ligatures at Washington, D. C.; alleging that the article had been shipped in interstate commerce on various dates between June 22, 1931, and September 14, 1932, from Boston, Mass., by Jaeger-Bigelow Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold.

On June 29, 1933, F. W. Jaeger, having appeared as claimant, a demurrer and exceptions to the libel were filed upon the grounds that catgut ligatures were not within the purview of the Food and Drugs Act; that the plaintiff had not complied with the provisions of the Food and Drugs Act, section 11, pertaining to notice and hearing; and that the libel was indefinite, ambiguous, and uncertain in that it did not appear in what respect the ligatures were adulterated within the meaning and intent of the Food and Drugs Act.

On October 27, 1933, the court handed down the following opinion:

ADKINS, *Justice*: "(1) The principal question in this case is whether the catgut ligatures come within the definition of a drug as set forth in the Pure Food and Drugs Act.

"The term 'drug' as used in that act is defined to include 'all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.'

"Catgut ligatures are not recognized in either the United States Pharmacopoeia or National Formulary. Do they come within the remaining part of the definition?

"Catgut ligatures are a substance. They are in fact used by physicians in stitching together parts of the body after operations. Such operations are frequently for the purpose of curing disease. I am unable to escape the conclusion that these ligatures come strictly within the second part of the definition.

"(2) I think a notice and hearing under section 11 of the Food and Drugs Act is not a condition precedent to the jurisdiction of the court. *U. S. v. Rawleigh Co.*, 57 Fed. (2d) 505. *U. S. v. Morgan*, 222 U. S. 274. Therefore the first and second grounds of exception are overruled.

"(3) The statute provides that a drug shall be deemed adulterated—

"Second. If its strength or purity fall below the professed standard or quality under which it is sold."

"The charge in the libel is in the above language. I think this is not a sufficient allegation, and that the third exception should be sustained.

"Plaintiff relies upon the rule that a purely statutory offense may be alleged in the words of the statute.

"This is not a criminal proceeding; if it were I doubt if the rule would be applicable under the facts of this case.

"In my judgment the owner of the property seized is entitled to have the libel state the professed standard or quality under which the ligatures were sold and the respects in which their strength or purity fell below that standard or quality.

"The third ground of exception will be sustained, with leave to amend."

On February 14, 1934, an amended libel was filed, alleging that the article was adulterated in that its purity fell below the professed standard of quality under which it was sold, since it was sold under United States Government Master Specification No. 357, pertaining to ligatures, which specification provides that each strand of catgut ligatures shall be sterile; whereas a considerable number of ligatures delivered, which were the subject matter of the proceeding, were not sterile, that is to say, on such ligatures there were present viable aerobic spore-forming organisms.

On March 16, 1934, the claimant filed an answer to the amended libel. No further proceedings having been had and the claimant having consented thereto, on April 25, 1938, the court entered judgment of condemnation against the ligatures which had been found to be unsterile, i. e., one control number, and they were ordered destroyed. Owing to the lapse of time and the perishable nature of the product, the remainder was ordered retained in the custody of the United States for such action as the court might deem appropriate, and on May 12, 1938, it was likewise ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture*.

29004. Misbranding of Ger-Oil. U. S. v. 20 Cartons of Ger-Oil. Default decree of condemnation and destruction. (F. & D. No. 41849. Sample No. 11466-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 1, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of Ger-Oil at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 18 and February 2, 1938, by the Ger-Oil Co. from Jonestown, Miss.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of a solution or combination of sulphur in turpentine and a saponifiable fixed oil.

It was alleged to be misbranded in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Large carton) "Burns * * * Cuts Sores * * * Neuralgia, Rheumatic Pains, Worms in Children, Etc. * * * Formerly * * * Germ-Oil For Backache, Kidneys, Bladder, Cramps, Colic, Blood Purifier, Stomach Troubles, Etc.;" (small carton) " * * * For Backache"; (bottle) "Formerly * * * Germ-Oil * * * Safe * * * Burns, Cuts, Sores, Headache, Backache: Etc.;" (circular) "For Pain About The Head or Neck * * * Backache * * * Blood Purifier Take on Sugar, Burns, * * * Cuts, or Sores * * * Worms in Children.—Give as many Drops as they are years old, on Sugar for 3 or 4 mornings. * * * For Private Disease or Lost Manhood, 20 or 25 Drops at Bedtime on Sugar, until relieved."

On April 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29005. Misbranding of Dr. Reilly's Herb Tonic. U. S. v. 21 Bottles of Dr. Reilly's Herb Tonic. Default decree of condemnation and destruction. (F. & D. No. 41921. Sample No. 13937-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 15, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Dr. Reilly's Herb Tonic at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about October 18, 1937, from Boston, Mass., by Thomas I. Reilly, M. D.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of alcohol, water, extracts of plant drugs, including a laxative plant drug, and a trace of oil of peppermint.

The article was alleged to be misbranded in that the following statements in a circular contained in the package, regarding its curative or therapeutic effects, were false and fraudulent: (Circular) "Tonic * * * For Restoring Health and Strength A Reliable Blood Purifier and Body Builder. A Great Liver and Bowel Regulator. A Dependable Herb Preparation for driving out all Poisons and Germs from the system giving strength and tone to every organ of the body. * * * the healing qualities and health-giving properties of herbs * * * this wonderful * * * Tonic. * * * This wonderful health remedy * * * health benefits * * * with perfect results. Dr. Reilly's Herb Tonic brings your system back to a healthy condition by driving out all concealed germs and poisons, by cleaning and purifying the blood stream, by opening up the natural waste channels of the system such as the liver, kidneys, and bowels, by correcting faulty digestion of foods and bringing about a natural healthy appetite, by building up and soothing the nerves so that natural, restful sleep is secured. It prevents premature old age because it restores health and vitality to every organ of the body, thereby preventing systematic changes which should not occur till very late in life. * * * Contains No harmful drug * * * Specially recommended by Dr. Reilly in the following conditions which have come from the reports of his own Patients. Specially recommended in all run down conditions of the system after severe illness where convalescence is slow. In all forms of anemia where the blood is thin and watery. In such condi-

tions of the system manifested by sallow complexion and circles under the eyes, pimples, boils, carbuncles, abscesses, enlarged glands and scrofula. In liver troubles such as—torpid, sluggish liver, congestion of the liver, gall stones and jaundice. Dr. Reilly's Herb Tonic opens up the natural channels of the liver and brings about a healthy, active condition of the organ. In all forms of stomach and bowel trouble such as heart burn, slow digestion, belching of gases, fermentation, loss of appetite, * * * All catarrhal conditions of the system wherever located respond quickly to Dr. Reilly's Herb Tonic. It is wonderfully beneficial in all forms of kidney and bladder troubles. The results are wonderful. Tuberculosis patients are wonderfully benefited and helped to overcome the action and poison of the T. B. germ. Nervous patients are loud in their praise for the benefits they have received from Dr. Reilly's Herb Tonic. It is wonderful in insomnia, nervous headaches, dizziness, irritable nerves and disturbed sleep. Rheumatic patients are greatly benefited and helped to recovery by Dr. Reilly's Herb Tonic. It drives out the uric acid from the system. Children as well as adults are wonderfully benefited by Dr. Reilly's Herb Tonic. Give the children from 10-15 drops three times a day after meals mal-nutrition, rickets, anemia, enlarged swollen glands and all conditions where the child is below normal in growth and strength"; (bottle label) "Tonic * * * absolutely harmless * * * mild stimulating action on the system * * * A Restorative Tonic For The Entire System"; (carton) "Tonic * * * absolutely harmless * * * mild stimulating action on the system * * * A Restorative Tonic For The Entire System."

On April 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29006. Misbranding of Special Blood Purifier. U. S. v. 24 Bottles of Hon. Prof. Dr. Jos. Herman's Special Blood Purifier. Default decree of confiscation and destruction. (F. & D. No. 42092, Sample No. 9410-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading statements regarding its composition.

On April 5, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Special Blood Purifier at Wheeling, W. Va.; alleging that the article had been shipped in interstate commerce on or about January 19 and 20, 1938, from Pittsburgh, Pa., by E. Freithofer Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of small proportions of an iodide, an iodate, sodium carbonate, and extracts of plant materials dissolved in water.

It was alleged to be misbranded in that certain statements regarding its curative or therapeutic effects, on the carton and bottle and in an accompanying circular, falsely and fraudulently represented that it was effective in the treatment of stomach ailments, ulcers, abscesses, blood poisons, skin diseases, kidney trouble, rheumatism, female complaints, anemia, headaches, cramps, paralysis, arthritis, neuritis, eczema, infantile paralysis, stroke, ulcers of the stomach, abscesses of the ears, sugar diabetes, and bladder trouble. It was alleged to be misbranded further in that the statement on the bottle label, "This medicine mixed with water is mineral water," was false and misleading when applied to an article of the composition disclosed by the analysis.

On May 17, 1938, no claimant having appeared, judgment of confiscation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29007. Misbranding of Fisher's Pugilitis Pendicitis and Columbine Massage Cream; adulteration and misbranding of Fisher's Massage Liniment. U. S. v. 16 Bottles of Fisher's Pugilitis Pendicitis, et al. Default decree of condemnation and destruction. (F. & D. Nos. 41889, 41890, 41891. Sample Nos. 165-D, 166-D, 167-D.)

The labeling of all these products bore false and fraudulent curative and therapeutic claims. In addition, the labeling of the Pugilitis Pendicitis bore a false and misleading statement that it was guaranteed under the Food and Drugs Act; and the Massage Liniment contained less alcohol than declared on the label.

On March 11, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 16 bottles of Fisher's Pugilitis Pendicitis: 6 jars of Fisher's Columbine Massage Cream, and 2 bottles of Fisher's Massage Liniment at Tucson, Ariz.; alleging that the articles had been shipped in interstate commerce on or about February 7, 1938, from Denver, Colo., by George B. Fisher; and charging misbranding of all the products and adulteration of Fisher's Massage Liniment in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the articles consisted essentially as follows: (Pugilitis Pendicitis) of water, alcohol, magnesium sulphate, and flavoring materials; (massage cream) of petroleum oil and perfume; and (liniment) of water and alcohol (8.9 percent by volume) with small proportions of ammonium carbonate and iodides.

The liniment was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Alcohol 26.88%," since it contained less than 26.88 percent of alcohol.

It was alleged to be misbranded in that its package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein, since the declaration of alcohol was incorrect. It was alleged to be misbranded further in that the following statement borne on the label falsely and fraudulently represented its curative or therapeutic effects: (Bottle) "For Developing the Breast and Chest. * * * For Cuts"; (carton) "Burns, Cuts, * * * Etc. * * * It Relieves Pain It eases a sore side It Beats the World to use in Childbirth."

The Pugilitis Pendicitis was alleged to be misbranded in that the following statement appearing on the carton was false and misleading since it created the impression that the article had been examined and approved by the Government of the United States, that the Government guaranteed that it complied with the law and that the article did so comply; whereas it had not been so approved and guaranteed and did not comply with the law: "Guaranteed by The Fisheropathic College Association under the Pure Food and Drugs Act, June 30, 1906. Serial No. 4533." It was alleged to be misbranded further in that certain statements set forth in a booklet contained in the package falsely and fraudulently represented the curative or therapeutic effectiveness of the article in the treatment of appendicitis, ptomaine poisoning, malnutrition, autotoxæmia, abscess, ovarian or uterine (leucorrhœa), gastritis, peritonitis, amenorrhœa (absence of menstrual flow), blood poisoning, child bearing (septicaemia or pyaemia), constipation, and hay fever.

The massage cream was alleged to be misbranded in that the following statements appearing in a circular contained in the package falsely and fraudulently represented the curative or therapeutic effectiveness of the article: "For * * * Developing the Bust, Removing Wrinkles, Freckles, Black-heads, Skin Eruptions, Eczema, Scalp Diseases, Ring-Worms, * * * Shingles, Baby-Rash, Moth-Marks, Etc. * * * Dandruff and Scalp Disease—* * * Apply * * * until scalp and hair feels * * * healthy. * * * For harsh voice, croup, sore chest, pneumonia, flu, asthma, or whooping-cough, a small piece swallowed will afford immediate relief. If lungs are sore and congested, as in flu or pneumonia, note instructions in the ten-minute study for using the Fisher Food Remedies."

On April 5, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29008. Adulteration and misbranding of Kalms. U. S. v. 161 Packages of Kalms. Default decree of condemnation and destruction. (F. & D. No. 41679. Sample No. 1374-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading statements that it was a safe medicament, whereas it was dangerous. The article also contained less aminopyrine than declared on its label.

On February 11, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 161 packages of Kalms at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about October 6 and November 30, 1937, from New York, N. Y., by Seabury, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article, which was in tablet form, consisted essentially of aminopyrine (2½ grains per tablet), antipyrine, and caffeine.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (on the metal container) "Kalms Formula * * * Amidopyrin 3 grains."

The article was alleged to be misbranded in that the device Kalms upon the retail container and display carton, and the statements upon the display carton, "Relief For Headache Neuralgia Muscular & Rheumatic Pain * * * that storm of Pain will yield to Kalms * * * Kalms are suggested for Colds * * * Headache, Neuralgia, Muscular and Rheumatic Pain," and the statements on the retail container, "Rapid Pain Relief For headache, colds, neuralgia, muscular and rheumatic pains * * * Kalms Formula Antipyrin 2 grains Amidopyrin 3 grains Caffein $\frac{1}{2}$ grain Directions Take one or two Kalms tablets at first indication of pain. If relief does not follow in half hour, take one tablet. Do not repeat dose thereafter for two hours," were false and misleading since they created the impression that the article if taken as directed was a safe medicament; whereas when taken as directed, it was a dangerous medicament.

It was alleged to be misbranded further in that the foregoing statements and device were false and fraudulent since they created the impression that when used as directed, it was a safe and appropriate medicament for the disease conditions mentioned; whereas it was a dangerous medicament; and in that the following statements appearing on the retail container and the display carton also falsely and fraudulently represented its curative and therapeutic effects since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Retail metal container) "Rapid Pain Relief For * * * neuralgia * * * and rheumatic pains"; (display carton) "Relief For * * * Neuralgia * * * & Rheumatic Pain Kalms are suggested for * * * Neuralgia * * * and Rheumatic Pain That storm of Pain will yield to Kalms."

On June 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29009. Adulteration and misbranding of Gauztex. U. S. v. 8 Gross of Gauztex. Default decree of condemnation and destruction. (F. & D. No. 41943. Sample No. 8611-D.)

This product was represented to be sterile but was unsterile. Furthermore, its labeling contained false and fraudulent curative and therapeutic claims.

On March 11, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of Gauztex at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about February 8, 1938, from Chicago, Ill., by the Gauztex Corporation; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article showed that it contained viable aerobic and anaerobic or facultative anaerobic micro-organisms.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (on the carton) "Sterilized Contains Nothing * * * Injurious" and (on the circular enclosed in the package) "Gauztex is sterilized," in that it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the statements on the carton, "Sterilized Contains Nothing * * * Injurious," "Fully Guaranteed For One Year," "Allows healing circulation of air," and "It is safe," and the statements on the circular, "Surgical gauze," "With Gauztex it is easy to protect all cuts or other injuries—large or small," "Gauztex protects the wound thoroughly," and "Gauztex is sterilized—safe to use," were false and misleading since they represented that the article was sterile; whereas it was not sterile but contained viable micro-organisms.

Misbranding was alleged further in that the following statements appearing in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Carton) "Allows healing circulation of air," "It is safe"; (circular) "Safe * * * surgical gauze * * * With Gauztex it is easy to protect all cuts or other injuries—large or small. * * * Bandage directly over small cuts, scratches or burns

with Gauztex. If a wound is large and bleeding freely, * * * If sterile gauze is not available, bandage directly over the wound with Gauztex to * * * protect it. Gauztex protects the wound thoroughly * * * promoting more rapid healing * * * wind Gauztex on to the finger. Cover wound with two or more turns * * * for finger-tip injuries, * * * How many times the children come to Mother with skinned knees and elbows * * * cuts, burns and scratches! How much better they like to have you use Gauztex * * * Gauztex is sterilized—safe to use."

On June 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29010. Misbranding of hydrogen peroxide. U. S. v. 60 Bottles of U. S. P. Hydrogen Peroxide. Default decree of condemnation and destruction. (F. & D. No. 42035. Sample No. 9558-D.)

This product contained a greater amount of acetanilid than declared on the label. It was labeled to represent that it was of United States Pharmacopoeial standard but it differed from that standard since it contained an excess of preservative (acetanilid). It was also short of the declared volume.

On March 24, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of hydrogen peroxide at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about January 26, 1938, from Boston, Mass., by General Drug & Oil Co., Inc.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "U. S. P. * * * Hydrogen Peroxide * * * With $\frac{1}{16}$ Grain Acetanilid to Fluid Ounce," was false and misleading since it represented that the article contained three-sixteenths of a grain of acetanilid per fluid ounce; whereas it contained a greater amount. It was alleged to be misbranded further in that the statement "U. S. P. * * * Hydrogen Peroxide" was false and misleading since it represented that the article was solution of hydrogen peroxide U. S. P.; whereas it was not solution of hydrogen peroxide U. S. P. since it differed from the standard of strength as determined by the test laid down in the United States Pharmacopoeia, and the said statement led to one to believe that it was of such standard. Misbranding was alleged further in that the statement on the label, "Contents 4 Fl. Oz.," was false and misleading since the bottles contained less than 4 fluid ounces.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29011. Adulteration and misbranding of ether. U. S. v. 40 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 41856. Sample No. 16834-D.)

This product was sold under a name recognized in the United States Pharmacopoeia, but differed from the pharmacopoeial standard in that benzaldehyde was found in samples examined.

On March 2, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of ether at Clarksburg, W. Va., consigned by Merck & Co.; alleging that the article had been shipped in interstate commerce on or about July 28, 1937, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Ether," and it differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia and its own standard was not stated on the label.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.," was false and misleading and tended to deceive and mislead the consumer when applied to an article containing benzaldehyde.

On June 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29012. Misbranding of Hi-Test Vaginal Suppositories and Femisan Suppositories.
U. S. v. 36 Boxes of Hi-Test Vaginal Suppositories (and one similar seizure action). Default decrees of condemnation and destruction.
 (F. & D. Nos. 41459, 41460. Sample Nos. 47557-C, 47559-C, 1841-D.)

This product was represented to be antiseptic, whereas it was not antiseptic. On January 18, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 392 boxes of suppositories at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on various dates between April 20 and November 9, 1937, from St. Louis, Mo., by the S. Pfeiffer Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act. One lot was labeled: "Fem-I-San Suppositories * * * Distributed by the Fem-I-San Company, St. Louis, Missouri." The other lot was labeled: "Hi-Test Vaginal Suppositories * * * Hi-Test Laboratories, St. Louis, Mo."

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was antiseptic, whereas it was not antiseptic: (Box) "(Vaginal Antiseptic)"; (leaflet) "The suppository * * * spreads a temporary germicidal coating over the mucous membrane with which it comes in contact."

On April 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29013. Misbranding of Myraphen. **U. S. v. 241 Packages and 135 Packages of Myraphen (and one similar seizure action). Default decrees of condemnation and destruction.** (F. & D. Nos. 41886, 41893. Sample Nos. 11855-D, 14034-D, 14035-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its safety as a medicament.

On March 5, 1938, the United States attorneys for the Districts of Connecticut and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 376 packages of Myraphen at New Haven, Conn., and 37 tins of Myraphen at Malden, Mass.; alleging that the article had been shipped in interstate commerce on or about September 18 and October 8, 1937, and February 14, 1938, from New York, N. Y., by Plexo Preparations, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that the small-sized tablets contained aminopyrine (approximately 2 grains each) and caffeine; and that the large-sized tablets contained aminopyrine (approximately 5 grains each) and caffeine.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading since they created the impression that the article when taken as directed, was a safe medicament, whereas when taken as directed, it was not a safe, but was a dangerous medicament: (Tablet tins) "For Pains and Aches * * * Take one tablet, whole or crushed with a glass of water, at first indication of pain, if not relieved a second tablet should be taken"; (leaflets) "Myraphen contains, in easy-to-take tablet form, special ingredients which have been used for many years by physicians as an aid in relieving the discomforts of simple pains and aches, such as headache, neuralgia, neuritis, muscular aches and pains, due to colds or exposure. Toothache generally submits to the prompt influence of Myraphen. Myraphen is excellent as an aid in relieving the discomforts of functional pains during the menstrual periods. Myraphen is not a narcotic, is non-habit forming and causes no unpleasant after-effects, yet its action is quick and forceful. Take one tablet * * * If pain has not been relieved, a second tablet may be taken in two hours"; (on some leaflets) "A second tablet may be taken in fifteen minutes." Misbranding was alleged further in that the aforesaid statements were false and fraudulent since they created the impression that the article when used as directed, was a safe and appropriate medicament for the disease conditions mentioned; whereas when used as directed, it was a dangerous medicament.

On May 2 and May 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29014. Misbranding of citrate of magnesia. U. S. v. 612 Bottles of Citrate of Magnesia. Default decree of condemnation and destruction. (F. & D. No. 42018. Sample No. 22422-D.)

This product was represented to be solution of magnesium citrate, a drug recognized in the United States Pharmacopoeia; whereas it was not. It also was short of the declared volume.

On March 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 612 bottles of citrate of magnesia at Youngstown, Ohio; alleging that the article had been shipped in interstate commerce on or about February 24, 1938, from Pittsburgh, Pa., by the Benjamin Beerman Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the statement on the label and on the bottle cap, "Citrate of Magnesia U. S. P." was false and misleading, since it represented that the article was solution of magnesium citrate, a drug recognized in the United States Pharmacopoeia and containing in each 10 cubic centimeters of solution total citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; whereas it was not solution of magnesium citrate, since it contained in each 10 cubic centimeters of the solution, total citric acid equivalent to less than 26 cubic centimeters of half-normal hydrochloric acid. Misbranding was alleged further in that the statements on the bottle label, "Contents 11 Fl. Oz.," and on the bottle cap, "Contents 11½ Fluid Oz.," were false and misleading since they represented that the bottles contained 11 fluid ounces or more of the article; whereas the bottles did not contain 11 fluid ounces or more, but contained less than 11 fluid ounces.

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29015. Misbranding of Sunshine Vitamin D Bath Flakes. U. S. v. Frank J. Peterson. Plea of guilty. Fine, \$10. (F. & D. No. 30830. Sample No. 19621-C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On April 5, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank J. Peterson, St. Paul, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 15, 1936, from the State of Minnesota into the State of Wisconsin of a quantity of the above-named product which was misbranded. The article was labeled in part: "Sunshine Vitamin (D) Bath Flakes * * * Frank J. Peterson * * * St. Paul, Minn."

Analysis showed that the article was essentially a sodium soap and that it contained no therapeutic quantity of vitamin D.

The article was alleged to be misbranded in that statements appearing on the label and in an accompanying circular falsely and fraudulently represented its curative and therapeutic effectiveness as a relief for aches, pains, itching skin, pimples, bad feet, rheumatism and athlete's foot; to restore vitamin D to the system; as a preventive and cure of common ailments, to ensure health and beauty; and effective as a treatment, remedy, and cure for any aches or pains, rheumatism, arthritis, sciatica, neuritis, lame back, lumbago, muscular pains, swollen limbs of long standing, swellings caused by sprain, fatigue, insomnia, skin disease of any nature such as itching scalp, pimples, eczema, acne, psoriasis, boils, itching, burning skin, tired, aching perspiring feet, athlete's foot, gout, no matter of how long standing, burn or sunburn; to reduce weight; and as a treatment for crossness and irritability in babies.

On April 5, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

29016. Misbranding of Q-Loid. U. S. v. 12 Packages and 9 Boxes of Q-Loid. Default decrees of condemnation and destruction. (F. & D. Nos. 41963, 42076. Sample Nos. 7775-D, 14342-D.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling; and because it was labeled to indicate that it was a preparation of sulphur, whereas it also contained aspirin and anti-pyrine.

On March 14 and 29, 1938, the United States attorneys for the Districts of New Jersey and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of Q-Loid in various lots at Jersey City and Union City, N. J., and Brockton, Mass.; alleging that the article had been shipped in interstate commerce on or about January 22 and February 17 and 26, 1938, from New York, N. Y., by the Magay Corporation; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of: (White tablets) 5 grains of aspirin; (yellow tablets) sulphur and antipyrine, samples from the two lots containing 0.2 grain and 0.4 grain of sulphur and 0.3 grain and 0.2 grain of antipyrine, respectively.

The article was alleged to be misbranded in that the following statements borne on the packages were false and misleading since they created the impression that it was a preparation of sulphur; whereas it contained the synthetic coal-tar drugs, aspirin and antipyrine: (Carton) "Q-Loid * * * A new convenient form of colloidal sulphur, Guaranteed to contain colloidal sulphur, recommended as an aid * * * where colloidal sulphur is indicated"; (booklet) "Q-Loid Colloidal Sulphur Tablets Recommended as an aid * * * where colloidal sulphur therapy is indicated This Pamphlet Tells You * * * How Q-Loid supplies colloidal sulphur in convenient tablets, * * * to evolve a * * * means of administering colloidal sulphur. It remained for laboratory research to make the * * * advance * * * At Last! Colloidal Sulphur In Tablet Form. The development of the tablet method of colloidal sulphur * * * The * * * result was Q-Loid, colloidal sulphur in tablet form, Q-Loid * * * A New Convenient Form of Colloidal Sulphur." Misbranding was alleged further in that the statements in the direction leaflet, "Yellow Tablets—to feed colloidal sulphur into the system," were false and misleading since the yellow tablets contained in addition to sulphur, the synthetic coal-tar drug antipyrine. Misbranding was alleged further in that statements appearing upon the box and in a circular contained in the package falsely and fraudulently represented the curative and therapeutic effect of the article in the treatment of arthritis, rheumatism, and allied conditions.

On April 27 and June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29017. Misbranding of Anti-Cholelith. U. S. v. 21 Packages of Anti-Cholelith. Default decree of condemnation and destruction. (F. & D. No. 41981. Sample No. 2569-D.)

The labeling of this product bore false and misleading statements that it was guaranteed under the Food and Drugs Act, and it also bore false and fraudulent curative and therapeutic claims.

On March 18, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Anti-Cholelith at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about February 2, 1938, from Springfield, Mo., by the Leon Chemical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, glycerin, phosphoric acid, and extracts of plant drugs including hydrastis and cinchona.

The article was alleged to be misbranded in that the statement on the label, "Guaranteed by The Leon Chemical Company under the Food and Drug Act, June 30, 1906," was false and misleading, since it created the impression that the article had been examined and approved by the Government of the United States, that the Government guaranteed that it complied with the law and that the article did so comply; whereas it had not been so approved, it was not so guaranteed, and it did not comply with the law. Misbranding was alleged further in that statements appearing on the bottle label and in a circular contained in the package, falsely and fraudulently represented its curative or therapeutic effectiveness as a remedy for gallstones and renal calculi, as a treatment for gallstones and abnormal conditions of the bile, and as a nerve and tissue builder.

On April 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29018. Adulteration and misbranding of absorbent cotton. U. S. v. 69 Packages and 96 Packages of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 42287. Sample No. 14426-D.)

This product was represented to be sterile but was unsterile.

On April 30, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 packages of absorbent cotton at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about February 26, 1938, from Dayville, Conn., by Acme Products Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton) "Sterilized * * * Absorbent Cotton * * * Sterilized After Packaging * * * Acme Grade Absorbent Cotton is * * * sterilized cotton * * * this fine sterilized cotton," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements appearing upon the carton were false and misleading: "Sterilized * * * High Grade * * * Absorbent Cotton * * * Sterilized After Packaging * * * Acme Grade Absorbent Cotton * * * sterilized cotton which is used extensively by practicing physicians. For home uses Acme quality may be relied upon for first aid, sick room, nursery * * * purposes. Exceptional care is used in every process in the manufacture of this fine sterilized cotton. * * * Acme Absorbent Cotton."

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29019. Misbranding of Nourse Gall Remedy. U. S. v. 117 Cans of Nourse Gall Remedy. Default decree of condemnation and destruction. (F. & D. No. 35442. Sample No. 11099-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On April 30, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cans of Nourse Gall Remedy at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about November 23, 1934, from Kansas City, Mo., by Nourse Oil Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of small proportions of a zinc compound, and volatile oils including methyl salicylate and camphor, incorporated in a petrolatum and lanolin base.

The article was alleged to be misbranded in that the following statements borne on the label falsely and fraudulently represented its curative and therapeutic effectiveness: "A modern, antiseptic preparation for Galls, Scratches, Cuts, Sores, Wire Cuts, * * * Hoof Diseases, Sore Necks and Sore Shoulders. * * * Miraculous results obtained when used for Piles, Skin Diseases, Boils, Sores"; (leaflet) "Piles—All Kinds Boils and Ulcers Skin Troubles Cuts and Scratches * * * Wire Cuts * * * Infections * * * healing * * * It is especially fine for healing wire cuts and scratches on horses and cattle. Many a fine work horse has been laid up for months after getting tangled up in barbed wire. Nourse Guaranteed Gall Remedy will heal those cuts and get him back on the job. * * * For Man Also Piles—that painful and depressing affliction suffered by countless thousands—yields quickly to the treatment with Nourse Guaranteed Gall Remedy. Use it freely on itching, bleeding or protruding piles. Fine for boils, ulcers, cuts, scratches, minor infections and many forms of skin diseases."

The article was alleged to be misbranded also in violation of the Insecticide Act of 1910, as set forth in notice of Judgment No. 1636 published under that act.

On April 4, 1938, no answer to the libel having been filed, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29020. Misbranding of Spohn's Udder-Aid. U. S. v. 35 Cans and 251 Cans of Spohn's Udder-Aid. Default decree of condemnation and destruction. (F. & D. Nos. 41824, 41825. Sample Nos. 8295-D, 8297-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 2, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 286 cans of Spohn's Udder-Aid at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about November 8 and 26, 1937, and January 29, 1938, from Goshen, Ind., by the Spohn Medical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of petrolatum, a fatty oil, oil of eucalyptus, and alum.

The article was alleged to be misbranded in that the following statements appearing in the labeling falsely and fraudulently represented its curative and therapeutic effects since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Contains Vitamin D ('The Sunshine Vitamin'), an aid in the treatment of minor wounds, cuts, scratches and burns. A healing aid for collar sores and harness galls. * * * Aids Healing For use in treatment of non-contagious garget (mastitis); caked, swollen, irritated, painful udders; * * * also for similar conditions following calving or high feeding. * * * affected quarters * * * to hasten relief."

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29021. Adulteration and misbranding of sandalwood oil capsules. U. S. v. 33,600 Capsules of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 42187. Sample No. 12536-D.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the standard laid down therein since it consisted in part of a benzyl compound, a phthalate, and a terpineol; and its own standard was not declared.

On April 14, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33,600 capsules of sandalwood oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 12, 1937, from Detroit, Mich., by the Gelatin Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Sandalwood Oil," but differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia and its own standard of strength, quality, and purity was not stated upon the label.

Misbranding was alleged in that the statement on the container, "Sandalwood Oil," was false and misleading since it represented that the article was sandalwood oil; whereas it was not sandalwood oil but consisted in part of a benzyl compound, a phthalate, and a terpineol; and in that it was an imitation of and was offered for sale under the name of another article, namely, "Sandalwood Oil."

On May 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29022. Misbranding of Tree of Life Tonic. U. S. v. 18 Bottles and 25 Bottles of Tree of Life Tonic. Default decrees of condemnation and destruction. (F. & D. Nos. 41674, 41885. Sample Nos. 9264-D, 9270-D.)

The labeling of this product bore no declaration of the quantity of alcohol contained therein; but it did bear false and fraudulent curative and therapeutic claims.

On February 23 and March 18, 1938, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 43 bottles of Tree of Life Tonic at Biloxi, Miss.; alleging that the article had been shipped in interstate commerce on or about December 14, 1937, from

New Orleans, La., by the Tree of Life Tonic Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, alcohol, and small proportions of salicylates, oil of peppermint, and extracts of plant drugs including a laxative plant drug.

The article was alleged to be misbranded in that it failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

It was alleged to be misbranded further in that the following statements falsely and fraudulently represented its curative and therapeutic effects since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Tree of Life Tonic * * * For Stomach, Blood, Liver and Kidneys Recommended for Indigestion, Swimming in the Head, Shortness of Breath, Biliousness, * * * Palpitation of the Heart, Nervousness, Gas Causes all these troubles This tonic will relieve the cause"; (cartons) "Tree of Life Tonic * * * Highly recommended as a stimulating and invigorating tonic to build up a general run down condition. * * * Aids digestion: also eliminating nervousness. Recommended as a general cleanser of the system of all acids and gasses which arise from undigested foods. Highly beneficial for diabetic sufferers. Note: Diabetic sufferers write for full particulars * * * Free from habit-forming drugs. * * * Good for men, women and children."

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of according to law.

M. L. WILSON, *Acting Secretary of Agriculture.*

29023. Misbranding of Duray. U. S. v. Duray Laboratories, Inc., and Hunter Wilson. Plea of guilty by corporation and of nolo contendere by individual. Fines: Corporation, \$26 and costs; individual, \$2. (F. & D. No. 39768. Sample Nos. 31097-C, 32835-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On December 28, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Duray Laboratories, Inc., Seattle, Wash., and Hunter Wilson, president of the corporation; alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 2 and December 24, 1936, and February 25, 1937, from the State of Washington into the States of Oregon and Colorado, of quantities of Duray which was misbranded. The article was labeled in part: "Duray * * * Prepared by Duray Laboratories, Inc., Seattle, Wash. * * * look for the signature Hunter Wilson."

Analysis of a sample of the article showed that it consisted essentially of sodium borate containing small amounts of phenol, menthol, and ultramarine blue pigment.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its therapeutic and curative effectiveness as a treatment for difficult menstruation; its effectiveness to insure feminine hygiene, and as a treatment for certain female disorders, for common female disorders, amenorrhea, unnatural delayed period, suppression of the menses, dysmenorrhea, painful and difficult menstruation, leucorrhea, whitish, mucopurulent discharge and menopause; and its effectiveness to prevent infectious germs from entering the uterus through the Fallopian tubes and to ensure perfect vaginal cleanliness.

On June 11, 1938, a plea of guilty having been entered on behalf of the corporation, it was sentenced to pay a fine of \$26 and costs. A plea of nolo contendere having been entered by Hunter Wilson, he was sentenced to pay a fine of \$2.

M. L. WILSON, *Acting Secretary of Agriculture.*

29024. Misbranding of Colac Pile Pills. U. S. v. 27 Bottles of Colac Pile Pills. Default decree of condemnation and destruction. (F. & D. No. 42260. Sample No. 22041-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On April 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bottles of Colac Pile Pills at Chicago, Ill., alleging that the article had been shipped in inter-

state commerce on or about August 13, 1937, from Brentwood, Md., by Vasco Products, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Colac Chemical Co. Inc. * * * Brentwood, Md., U. S. A. Sole Proprietors."

Analysis of a sample of the article showed that it consisted essentially of extracts of plant materials, including a tar such as juniper tar, and magnesium and calcium oxides, coated with sugar, starch, iron oxide, and chocolate.

The article was alleged to be misbranded in that the following statements appearing in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article: (Bottle) "Colac Pile Pills * * * Highly recommended for all forms of piles of the rectum. * * * Swallow whole two pills three times daily before or after meals, until all symptoms have disappeared": (shipping carton) "Colac Pile Pills."

On June 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29025. Misbranding of santal oil capsules. U. S. v. 2 Shipments of Santal Oil Capsules. Default decree of condemnation and destruction. (F. & D. Nos. 42276, 42277. Sample Nos. 12581-D, 12583-D, 12699-D, 12700-D.)

This product was labeled to indicate that it was oil of santal; whereas it contained mineral oil, a terpineol, a derivative of phthalic acid, and a benzyl compound—which are not normal ingredients of oil of santal—and otherwise failed to meet the pharmacopoeial tests for oil of santal.

On April 30, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 61,000 santal oil capsules at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 9, 1937, and April 11, 1938, by the Merz Capsule Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the name of another article.

On May 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29026. Adulteration of aromatic spirits of ammonia and sweet spirits of niter. U. S. v. 132 Bottles of Aromatic Spirits Ammonia (and one other seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 42004, 42005. Sample Nos. 9659-D, 9859-D, 9860-D.)

These products were sold under names recognized in the United States Pharmacopoeia but contained less ammonia and ethyl nitrite, respectively, than specified by that authority. The sweet spirits of niter also contained less ethyl nitrite than declared on the label.

On March 25, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of 492 bottles of aromatic spirits of ammonia and 276 bottles of sweet spirits of niter at Harrisburg, Pa.; alleging that the articles had been shipped in interstate commerce between October 14, 1937, and February 1, 1938, by C. F. Sauer Co. from Richmond, Va.; and charging adulteration in violation of the Food and Drugs Act.

The products were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein and their own standards of strength, quality, and purity were not stated on the containers since one of the lots of aromatic spirits of ammonia contained not more than 1.635 grams of ammonia per 100 cubic centimeters, and the other lot contained not more than 1.31 grams of ammonia per 100 cubic centimeters and the samples examined from the latter lot contained not more than 2.2 and 2.9 grams of ammonium carbonate per 100 cubic centimeters, whereas the pharmacopoeia provides that aromatic spirits ammonia shall contain not less than 1.7 grams of ammonia and not less than 3.5 grams of ammonium carbonate per 100 cubic centimeters; the sweet spirits of niter contained not more than 2.1, 1.1, 2.0, 2.1, 1.8, 2.7, and 3.0 percent, respectively, of ethyl nitrite for the seven units examined, whereas the pharmacopoeia

requires that the article contain not less than 3.5 percent of ethyl nitrite. The sweet spirits of niter was alleged to be adulterated further in that it was labeled "Sweet Spirits Nitre * * * Ethyl Nitrite, 4%," and its strength fell below the professed standard and quality under which it was sold since it did not contain 4 percent of ethyl nitrite but did contain a less amount.

On April 29, 1938, no claimant having appeared, decrees of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29027. Adulteration and misbranding of Vitawine. U. S. v. 24 Bottles of Vitawine. Default decree of condemnation and destruction. (F. & D. No. 42262. Sample No. 804-D.)

The vitamin content of this product fell below the professed standard or quality under which it was sold. Its label also bore an incorrect declaration of alcohol and false and fraudulent curative and therapeutic claims.

On April 29, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Vitawine at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 2, 1937, from Miami, Fla., by the Vitawine Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, alcohol (9.8 percent by volume), citrates, an iron compound, manganese equivalent to 0.13 grains of manganese citrate per fluid ounce, and less than 40 Sherman units of vitamin B₁ per fluid ounce.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Each Fluid Ounce Contains: Vitamin B Complex—15 grs. (90-100 Sherman Units B₁) * * * Manganese Citrate—1/2 gr.," since each fluid ounce of the article did not contain 15 grains of vitamin B complex (90-100 Sherman units B₁) or 1/2 grain of manganese citrate.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading, since they represented that the article was a vitamin tonic combining the "Vitamin B Complex B₁ B₂ (G)," that each fluid ounce of the article contained 15 grains of "vitamin B complex (90-100 Sherman Units B₁)" and 1/2 grain of manganese citrate; whereas the article was not a vitamin tonic combining the "Vitamin B Complex B₁ B₂ (G)," each fluid ounce did not contain 15 grains of "Vitamin B Complex (90-100 Sherman units B₁)" or 1/2 grain of manganese citrate: "Vitawine A vitamin Tonic combining the Vitamin 'B' Complex B₁ B₂ (G) * * * Each Fluid Ounce Contains: Vitamin B Complex—15 grs. (90-100 Sherman Units B₁) * * * Manganese Citrate—1/2 gr. * * * The Vitawine Co. * * * Vitamin 'B' Complex contains 90-100 Sherman Units B₁ per Gram."

Misbranding was alleged further in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein, since the declaration of the alcohol made on the label was incorrect. Misbranding was alleged further in that the following statements appearing in the labeling falsely and fraudulently represented the curative or therapeutic effectiveness of the article, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Colitis Anemia Neuritis Malnutrition Deficient Lactation Acne * * * anti-anemic effects * * * providing the growth-stimulating and appetite-producing Vitamin B Complex in sufficient quantity * * * A valuable accessory to the diet of people of all ages. Contains one of the richest known sources of Vitamin B Complex, made from fresh Yeast * * * Compounded on the basis of two teaspoonsful being equivalent in Vitamin B value to one cake of fresh yeast, or 50 units B₁ * * * Highly potent, completely stable * * * Vitamin B preparation * * * not only for use where this constitutes the sole medication but * * * in conditions where Vitamin B deficiency is a contributory factor * * * Supplementing the ordinary diet with Vitamin B is perhaps generally advisable; it is certainly advisable for individuals who show a beneficial response to such supplements. A high Vitamin intake should be assured in pregnancy, in lactation, in the diets of infants and growing children, in the treatment of chronic gastrointestinal disorders (especially constipation and colitis), in treatment of chronic infections and other long-continued or wasting diseases, in hyperthyroidism and other conditions in which the total food intake or total metabolism is high

and in therapeutic diets whenever their restrictions tend to lower the intake of Vitamin B-containing foods."

On May 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29028. Adulteration and misbranding of catgut sutures. U. S. v. 52 Sutures of Catgut, et al. Default decree of condemnation and destruction. (F. & D. No. 42254. Sample Nos. 15841-D, 15845-D, incl.)

This case involved sutures, a product which should be sterile, but was contaminated with viable micro-organisms.

On April 4, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 484 catgut sutures at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about March 26, June 23, and August 1, 1937, from St. Paul, Minn., by the Laboratory of the Ramsey County Medical Society; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut," since it was not "Plain * * * Catgut" nor "Formalized * * * Catgut," but was catgut contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements on the labels, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut," were false and misleading when applied to catgut that was contaminated with viable micro-organisms, and in that it was offered for sale under the names of other articles, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut."

On June 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29029. Misbranding of kidney tablets. U. S. v. 29,900 Tablets. Default decree of condemnation and destruction. (F. & D. No. 42138. Sample No. 9563-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On April 7, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29,900 tablets at Altoona, Pa.; alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Newark, N. Y., by Commercial Laboratories; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tablets contained men-thenamine, potassium nitrate, and extracts of plant drugs including cascara, buchu, and juniper.

The article was alleged to be misbranded in that the statement on the container, "Kidney Tablets," constituted a curative and therapeutic claim for the article that was false and fraudulent.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29030. Misbranding of Reso-Quinon Vaginal Jelly. U. S. v. 50 Packages of Reso-Quinon Vaginal Jelly. Default decree of condemnation and destruction. (F. & D. No. 42238. Sample No. 21412-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims; and it also represented that the article contained quinine bisulphate, whereas it did not.

On April 22, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages of Reso-Quinon Vaginal Jelly at Fort Wayne, Ind.; alleging that the article had been shipped in interstate commerce on or about February 10, 1938, from Detroit, Mich., by White Cross Pharmacals, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, glycerin, a gum, boric acid, and small proportions of resorcinol, oxyquino-line sulphate, and lactic acid.

The article was alleged to be misbranded in that the statement appearing in a circular enclosed in the package, "Formula * * * Quinine Bi-Sulphate," was false and misleading when applied to an article which did not contain quinine bisulphate. It was alleged to be misbranded further in that the following statements appearing in the said circular, falsely and fraudulently represented the curative and therapeutic effects of the article: "Indicated For Leucorrhœa, Vaginitis, Cervicitis, etc. * * * It eliminates all necessity for tampons, diaphragms, etc., and the danger of infection therefrom. * * * This together with its other medical properties that act directly upon the germs themselves makes it absolutely * * * positive. * * * In order to maintain the 100% efficiency of this excellent Prophylactic it is necessary that the following directions in its application be adhered to."

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29031. Misbranding of rubber pessaries. U. S. v. 8 Dozen Perfection Womb Supporters. Default decree of condemnation and destruction. (F. & D. No. 42046. Sample No. 9030-D.)

The labeling of this product bore, among other misrepresentations, false and fraudulent curative and therapeutic claims.

On March 26, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight dozen alleged Perfection Womb Supporters at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about January 17, 1938, from Akron, Ohio, by the Perfection Rubber Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article, which was sold for the cure of disease, consisted of a thin cup-shaped rubber diaphragm surrounded by a ring of hollow rubber.

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since it was not what it was represented to be: (Carton) "Womb Supporter"; (circular) "Womb Supporter * * * The French Womb Supporter is constructed on a common sense principle, and strictly in accordance with the anatomy of the female organization. * * * is not injurious in any way, * * * no apprehension of its going too far or doing the slightest harm need be felt." The article was alleged to be misbranded further in that the following statements appearing in a circular enclosed with it falsely and fraudulently represented its curative and therapeutic effects: "A Blessing to Womankind * * * It affords a convenient and prompt means of cure to those afflicted with prolapsus (falling of the womb), leucorrhœa (whites), and in the ready cure of the ulceration of the mouth and neck of the womb, so commonly the living torment of delicate women. In treatment of cancer of the womb, it is a most admirable instrument. The ordinary treatment of female diseases by injections is uncertain, slow, tedious, disgusting and expensive. In the use of local medication, by the means of the Womb Supporter, the cure is directly applied to the seat of the disease, and can be retained any length of time with ease, comfort and success. By this valuable means, old chronic female affections, seldom curable by former modes of treatment, now yield readily."

On June 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29032. Adulteration and misbranding of Sandal oil capsules. U. S. v. 800 Capsules of Sandal Oil. Default decree of condemnation and destruction. (F. & D. No. 42198. Sample No. 14508-D.)

This product was labeled to indicate that it was oil of santal, a drug recognized in the United States Pharmacopœia; whereas it was not since it contained a material proportion of mineral oil and benzyl alcohol. It also was short of the declared volume.

On April 18, 1938, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 capsules of Sandal oil at

Lancaster, N. H.; alleging that the article had been shipped in interstate commerce on or about October 28, 1936, from Detroit, Mich., by the Merz Capsule Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Capsules Sandal Oil 10 min.," since it was not sandal oil and each capsule did not contain 10 minims of sandal oil, but it was a mixture containing mineral oil and benzyl alcohol and each capsule contained less than 10 minims of the article.

The article was alleged to be misbranded in that the above-quoted statement was false and misleading. It was alleged to be misbranded further in that the statement on the label, "Sandal Oil," was misleading since the purchaser was led to believe that the article was oil of santal, a drug recognized in the United States Pharmacopoeia; whereas it was not oil of santal, a drug recognized in the United States Pharmacopoeia, but was a mixture containing mineral oil and benzyl alcohol. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the name of another article.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29033. Misbranding of santal oil capsules. U. S. v. 9 Boxes of Capsules Santal Oil U. S. P. Default decree of condemnation and destruction. (F. & D. No. 42293. Sample No. 22519-D.)

This product was represented to be oil of santal that complied with the standard laid down in the United States Pharmacopoeia, whereas it was not.

On May 4, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of santal oil capsules at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 18, 1938, from Baltimore, Md., by Burrough Bros. Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Santal Oil U. S. P. * * * Average Contents of each Capsule about 10 minims," was false and misleading since the purchaser was led to believe that it was oil of santal, recognized in the United States Pharmacopoeia; whereas it was not the pharmacopoeial article in that it was not soluble in 5 volumes of 70 percent alcohol.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29034. Misbranding of oil of sandalwood. U. S. v. 1 1/8 Pounds of Oil of Sandalwood. Default decree of condemnation and destruction. (F. & D. No. 42234. Sample No. 9600-D.)

This product was labeled to indicate that it was sandalwood oil, a drug recognized in the United States Pharmacopoeia; but it did not comply with the pharmacopoeial standard for sandalwood oil since it contained a terpineol and a derivative of phthalic acid.

On April 22, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 1/8 pounds of oil of sandalwood at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about March 24, 1938, from New York, N. Y., by H. C. Ryland; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Oil Sandalwood * * * U. S. P.," was false and misleading since it caused the purchaser to believe that the article was sandalwood oil; whereas it did not meet the requirements of sandalwood oil recognized in the United States Pharmacopoeia. Further misbranding was alleged in that it was an imitation of and was offered for sale under the name of another article.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29035. Adulteration and misbranding of rubber prophylactics. U. S. v. 60 Gross of Rubber Prophylactics (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41588, 41789. Sample Nos. 7610-D, 16921-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On February 2, 1938, and on or about February 19, 1938, the United States attorneys for the District of Connecticut and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 60 gross of rubber prophylactics at New Haven, Conn., and 5 gross of the product at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about October 25 and December 10, 1937, from New York, N. Y.—that one lot had been shipped by Joe Jacobs and the other lot by Jos. Jacobs; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Arrow Brand" or "Pure Tex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements, "Prophylactic Guaranteed For Five Years * * * 100% safe," appearing on the labels of the Arrow brand, and "Excellent Quality" and "Guaranteed Five Years * * * Air Tested * * * For Prevention of Diseases," appearing on the labels of the Pure Tex brand, were false and misleading.

On May 11 and June 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29036. Adulteration and misbranding of Septol Hydrogen Peroxide. U. S. v. 273 Bottles of Hydrogen Peroxide, et al. (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42118, 42119. Sample Nos. 23412-D, 23413-D, 23416-D, 23417-D.)

This product contained less hydrogen peroxide (dioxide) than declared.

On April 6, 1938, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 1,096 bottles of hydrogen peroxide at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on various dates between October 15, 1937, and March 14, 1938, from Hollywood, Calif., by the Studio Cosmetic Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Examinations of samples showed that the articles contained 2 percent of hydrogen peroxide (dioxide).

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, "Hydrogen Dioxide 3%," in one case, and "Hydrogen Peroxide * * * Active Ingredient H_2O_2 3.6%," in the other case, since it did not contain 3 percent of hydrogen dioxide in the former instance or 3.6 percent of hydrogen peroxide in the latter instance, but did contain smaller amounts.

The article was alleged to be misbranded in that the statements, "Hydrogen Dioxide 3%" and "This preparation guaranteed to be full strength and to meet all requirements of the U. S. P." on the label of the former lot, "This preparation guaranteed to be full strength and to meet all requirements of the U. S. P. Active ingredient H_2O_2 3.6%," on the label of the latter lot, were false and misleading when applied to an article which did not meet all requirements of the United States Pharmacopoeia and which contained in the first instance less than 3 percent of hydrogen dioxide and in the latter instance less than 3.6 percent of hydrogen peroxide.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29037. Adulteration and misbranding of sandalwood oil. U. S. v. 16 Boxes of Sandalwood Oil (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41922, 41923, 41930, 41931. Sample Nos. 1596-D, 1597-D, 9623-D, 9624-D.)

This product was sold under a name recognized in the United States Pharmacopoeia but fell below the standard laid down therein. Portions of the capsules contained less than the amounts by volume declared on the label.

On March 10, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 66 packages of sandalwood oil at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about February 17, June 7, and November 9 and 29, 1937, from Brooklyn, N. Y., by the Red Mill Drug Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, sandalwood oil, but differed from the standard of strength, quality, and purity established by that authority and its own standard of strength, quality, and purity was not stated on the label.

Portions of the article were alleged to be adulterated further in that its strength fell below the professed standard under which it was sold, namely, each of the large-sized capsules was represented to contain 10 minims of sandalwood oil and each of a portion of the small-sized ones was represented to contain 5 minims of sandalwood oil; whereas the large ones did not contain 10 minims, and a portion of the small ones did not contain 5 minims, but did contain less amounts.

Misbranding was alleged in that the statements, "Pure East India (U. S. P.) Sandalwood Oil * * * each Capsule Contains: 10 Minims" with respect to the large size and "Each Capsule Contains Sandalwood Oil Pure East India 5 Minims," with respect to a portion of the small size, borne on the labels, were false and misleading since the capsules did not contain the amounts declared but did contain less amounts, and the article did not comply with the tests laid down in the United States Pharmacopoeia for sandalwood oil. A portion of the 5-minim size was alleged to be misbranded in that the statement on the label, "Pure East India Sandalwood Oil U. S. P." was false and misleading since it represented that the article was volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné (Fam. Santalaceae); whereas it was not. The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, sandalwood oil.

On April 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29038. Misbranding of Boro-Septol Tablets. U. S. v. 59 Packages of Boro-Septol Tablets. Default decree of condemnation and destruction. (F. & D. No. 42106. Sample No. 2577-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as an antiseptic and germicide and false and fraudulent curative and therapeutic claims.

On April 2, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 packages of Boro-Septol Tablets at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about January 7, 1938, from Dallas, Tex., by the Boro-Septol Chemical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: (Label) "Antiseptic Boro-Septol * * * superior to Bi-Chloride of Mercury as an Antiseptic, * * * and Germicide. May be used in any Strength, Solution, * * * in all conditions where an antiseptic is required. Solution for Surgical use 1:1000 One tablet in 8 oz. of water; 1:4000 One tablet in 32 oz. of water"; (circular) "Boro-Septol Tablets the greatest of all antiseptics"; (booklet) "Boro-Septol * * * superior to mercury and all other antiseptics. It may be used in any strength, solution, * * * As an antiseptic with which to prepare the surgeon's hands, and the skin of the patient, for an operation, Boro-Septol has but few equals. Remember that it may be used *any strength.*"

Analysis of a sample of the article showed that it consisted essentially of sodium chloride, boric acid, zinc sulphocarbolate, and copper sulphocarbolate. Bacteriological examination showed that it was not antiseptic when dissolved in water, as directed on the label.

The article was alleged to be misbranded in that statements appearing in the labeling were false and misleading when applied to an article that was not antiseptic when used as directed. It was alleged to be misbranded further

in that statements appearing in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness in chronic ulcerated conditions, for the treatment of all conditions requiring an antiseptic, for nasal troubles, catarrh, etc., for mouth and throat troubles, for vaginal troubles, leucorrhea, etc., for cystitis and all bladder troubles, for rectal troubles, ulcers, fissures, etc., for bad breath and sore mouth, for improving spongy gums, for tonsillitis, sore throat and "salvation," fresh wounds and cuts, for preventing the inflammation caused by the poison of bites and stings of all poisonous insects, for protection against infections and eruptions, for ringworm, for eczema, itch and skin diseases, for diseases peculiar to women, for ulcerated cervix, inflamed vagina, irritated ovaries, and all local troubles suffered by a very large percentage of women.

On June 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29039. Misbranding of Soak-In-Liniment. U. S. v. 91 Bottles of Soak-In-Liniment. Default decree of condemnation and destruction. (F. & D. No. 41698. Sample No. 8844-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 18, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 bottles of Soak-In-Liniment at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 19 and November 27, 1937, by the A. J. Frank Co. from St. Paul, Minn.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of methyl salicylate, oil of peppermint, and a small proportion of an oleoresin.

The article was alleged to be misbranded in that the following statements appearing in the labeling regarding its curative or therapeutic effects, were false and fraudulent: (Bottle) "*Nothing equals it for relieving pain* Quick Relief from Pain * * * This is effective in clearing the air passages. Chest Colds * * * Rheumatism Apply to parts affected, Lumbago Apply to small of back * * * Growing Pains * * * so-called growing pains * * * aching feet, quickly relieved. * * * Sleeplessness"; (retail carton) "*Nothing to equal it in relieving pain* * * * Cold on Lungs and Coughing * * * Whooping Cough Use the same as Cold on Lungs and Coughing * * * For Asthma * * * Use daily on retiring until relieved. Rheumatism Apply to parts affected, massage unless painful. * * * Lumbago Apply to lumbar muscles. Growing Pains Can be relieved almost instantly. * * * Relieves Pain Whether from fracture, sprain, bruise or any other cause, apply it to affected parts."

On May 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29040. Misbranding of Na-Sin-Öl. U. S. v. 186 and 243 Bottles of Na-Sin-Öl. Consent decree entered. Product released under bond for relabeling. (F. & D. No. 42007, 42008. Sample Nos. 15217-D, 15218-D.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On or about March 28, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 421 1-ounce and 1/2-ounce bottles of Na-Sin-Öl at Kansas City, Mo., alleging that the article had been shipped in interstate commerce between the dates of August 7, 1937, and February 15, 1938, by the Na-Sin-Öl Co. from Salina, Kans.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil with small proportions of iodine, phenol, and camphor.

The article was alleged to be misbranded in that the wrapper, bottle, carton, and an accompanying circular bore false and fraudulent representations regarding its curative and therapeutic effectiveness in treatment of fever and congestion caused by sinus infection; its effectiveness in the treatment of hay fever and all catarrhal conditions, earaches, bronchial asthma, dust, catarrh,

head noises, ringing in the ears; its effectiveness to convert the unhealthy tissues into a healthy condition, to allay fever, to relieve contraction of the muscles caused by pain or headaches and soreness; and its effectiveness to soothe and heal the entire cavity and nasal passages.

On May 16, 1938, J. M. Naylor of Salina, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, a judgment was entered finding the product misbranded and ordering that it be released to the claimant under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

29041. Adulteration and misbranding of Sanisalva Salve; misbranding of Carnation Dental Cream, Bick's Vapor Salve, Linimentine, Bick's Mentholated Camphor Cream, Bixlax Laxative Tablets, and Blue Ribbon Household Liniment. U. S. v. The Carnation Toilet Co. and Thomas B. Bick. Pleas of guilty. Fines: Corporation, \$300 and costs; individual, \$100. (F. & D. No. 40789. Sample Nos. 2133-C, 2134-C, 2135-C, 2137-C, 36804-C, 36805-C, 36806-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims. In addition, the labeling of the Bixlax bore false and misleading representations that it was harmless and was not in violation of the Food and Drugs Act; and the Sanisalva Salve was represented to be antiseptic, whereas it was not.

On May 20, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carnation Toilet Co., St. Louis, Mo., and Thomas B. Bick, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, in the period from on or about August 2 to on or about September 8, 1937, from the State of Missouri into the States of Texas and Ohio, of quantities of Sanisalva Salve which was adulterated and misbranded, and quantities of the remainder of the above-named drug preparations which were misbranded. The articles were labeled in part: "Sanisalva Salve * * * Carnation Co., St. Louis, Mo.;" "Carnation * * * Dental Cream * * * manufactured by Carnation Company, Saint Louis;" "Bick's Vapor Salve * * * The Bick Co., St. Louis, Mo.;" "Linimentine, Carnation Company, St. Louis, Mo.;" "Bick's Mentholated Camphor Cream, The Bick Co., St. Louis, Mo.;" "Blue Ribbon Household Liniment, National Blue Ribbon Remedy Co., St. Louis, Mo.;" "Bixlax Tonic Laxative Tablets * * * Carnation Co."

Analyses of samples of the articles showed that the Sanisalva Salve consisted essentially of small proportions of menthol, oil of sassafras, camphor, and phenol incorporated in a petrolatum base, and that it was not antiseptic when used as directed; that the Carnation Dental Cream consisted essentially of calcium carbonate, soap, glycerin, and water with flavoring material; that Bick's Vapor Salve consisted essentially of small proportions of menthol, camphor, eucalyptol, and phenol incorporated in a petrolatum base; that the Linimentine consisted essentially of small proportions of camphor, oil of sassafras, methyl salicylate, menthol, and cleoresin of capsicum incorporated in a petrolatum base; that Bick's Mentholated Camphor Cream contained small proportions of menthol and camphor incorporated in a petrolatum base; that the Blue Ribbon Household Liniment consisted essentially of turpentine, mineral oil, and volatile oils including oil of sassafras and capsicum; and that the Bixlax Laxative Tablets contained extracts of plant drugs including a laxative drug and an alkaloid-bearing drug, such as belladonna, coated with sugar, iron oxide, and calcium carbonate.

The Sanisalva Salve was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since there was borne on the container the statement "antiseptic," which constituted a profession of the standard and quality of the article under which it was sold; whereas the article was not antiseptic.

The Sanisalva Salve was alleged to be misbranded in that the said statement "antiseptic" was false and misleading. The Sanisalva Salve and the remainder of the products were alleged to be misbranded in that the statements borne in their labeling falsely and fraudulently represented their curative and therapeutic effectiveness as follows: (Sanisalva Salve) Its effectiveness as an antiseptic when administered and applied in the treatment of cuts, burns, sores, piles, skin diseases, salt rheum, tetter, catarrh, ivy poisoning, boils, eruptions, ulcers, and catarrh of the head; (Carnation Dental Cream) its effectiveness to relieve and prevent pyorrhea and to harden the gums; (Bick's Vapor Salve)

its effectiveness in the treatment of congested and inflamed conditions, sore throat, catarrh, tonsillitis, bronchitis, burns, boils, neuralgia pains, rheumatic pains, eczema, coughs, and its effectiveness to relieve irritated conditions through inhalation of its vapors; (Linimentine) its effectiveness as a penetrating liniment and its capability of causing great relief from pain in man or beast; its effectiveness as an excellent remedy for relieving inflammation and congestion; and its effectiveness in the treatment of rheumatism, lameness, neuralgia, neuritis, and colic; (Bick's Mentholated Camphor Cream) its effectiveness as a remedy for catarrh, headache, sore nose and lips, and catarrh of nose and sore throat; (Blue Ribbon Household Liniment) its effectiveness as a remedy for cramps, founder, poll evil, spavin, "giftast" (meaning thereby sitfast), ring bone, indolent tumors, horse distemper, kindred affections of horses and cattle, muscular rheumatism, muscular soreness, aching muscles, acute swelling, lameness, muscular cramps, gout, lumbago, sciatica, stiff neck, neuralgia, neuralgia headaches, toothache, acute pleurisy, bronchial cough, la grippe, cold feet, wind colic, corns, and bunions; and (Bixlax Laxative Tablets) its effectiveness as a tonic on the stomach, liver, kidneys, and bowels, as a remedy for dyspepsia, indigestion, constipation, biliousness, liver troubles, rheumatism, sick headache, sour stomach, blood and skin diseases, and other ailments caused by the evils of constipation, and as an appetizer and tonic generally.

The Bixlax Laxative Tablets were alleged to be misbranded further in that the statement "Bixlax contains 12 harmless ingredients," borne on the label, and the statement "We absolutely guarantee Carnation Products to be pure and not adulterated or misbranded within the meaning of the Food and Drugs Act, June 30, 1906, as amended," borne in a leaflet enclosed with the article, were false and misleading, since the ingredients and substances of the article were not harmless generally and since the article was misbranded within the meaning of the aforesaid act.

On May 24, 1938, pleas of guilty having been entered by the defendants, the corporation was sentenced to pay a fine of \$300 and costs, and the individual was sentenced to pay a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

29042. Misbranding of Dr. Lemke's Laxative Herb Tea, Anti-Bilious Blood and Catarrh Powder, and Golden Electric Liniment. U. S. v. Clarence R. Lemke (Dr. H. C. Lemke Medicine Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 39831. Sample Nos. 33660-C, 33661-C, 33662-C.)

The labeling of all these products bore false and fraudulent curative and therapeutic claims, and the Golden Electric Liniment also contained less alcohol than declared.

On February 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence R. Lemke, a member of a firm trading as the Dr. H. C. Lemke Medicine Co., at Chicago, Ill.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about December 21, 1936, to on or about March 11, 1937, from the State of Illinois into the State of Indiana of quantities of the above-named drug products which were misbranded. The articles were labeled in part: "Dr. H. C. Lemke Medicine Co. * * * Chicago, Ill."

Analyses of samples of the articles showed that Dr. Lemke's Herb Tea consisted essentially of plant material including flaxseed, sambucus, althea, fennel seed, coriander seed, sassafras, licorice, lavender flowers, saffron, uva ursi, senna, cascara sagrada, peppermint stems, and horehound; that the Anti-Bilious Blood and Catarrh Powder consisted essentially of ground plant material (including an emodin-bearing drug and an unidentified alkaloid), free sulphur, sugar, and iron and calcum compounds; and that the Golden Electric Liniment consisted essentially of small proportions of ammonia, volatile oils including camphor, oil of cloves, and oil of sassafras, chloroform, ether, alcohol (64.2 percent by volume), and water.

The Laxative Herb Tea was alleged to be misbranded in that its labeling falsely and fraudulently represented its curative and therapeutic effectiveness as a treatment, remedy, and cure for sour stomach and dizziness; its effectiveness to cleanse the intestinal tract, as a treatment for disordered complexion; its effectiveness to aid in restoring to and retaining in the skin a ruddy glow so needful to a good complexion; its effectiveness as a treatment for disturbed functions of the liver, stomach and intestinal tract, digestive disturbances,

faulty digestion, excessive gastric acidity, acid and upset stomach, stomach pains, sluggishness of the liver, liver disorders, and attacks of vertigo; its effectiveness to excite the stomach and liver to greater activity, to cause the bowel movement to become more regular and more efficient, and to improve the appetite and digestion; its effectiveness to free the blood of all impurities and to ensure rosy, youthful freshness to the skin; its effectiveness as a household remedy for relieving the excretory organs; to promote the activity of the liver and stomach; to assist nature in removing impurities from the blood, and to recover and maintain a clearer skin; its effectiveness to relieve a great many aches and pains; its effectiveness to aid the action of the liver and kidneys, and as a treatment, remedy, and cure for indigestion, gases in the stomach, jaundice, sour stomach, coated tongue, foul breath, belching up of gas, headaches, boils, pimples, dry sallow skin, certain eruptions of the skin on face or body which may be caused from an inactive liver or kidneys, acute infectious diseases, general debility, blotches, rashes, digestive disorders, excessive acidity of the stomach, bad breath, eructations, attacks of vertigo, abscesses, dry brittle skin, certain cutaneous eruptions, general organic debility, skin impurities, and ailments of the liver, kidneys and intestines; and its effectiveness to stimulate the functioning of the liver and kidneys.

The Anti-Bilious Blood and Catarrh Powder was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its therapeutic and curative effectiveness as a treatment for blood ailments and catarrh; its effectiveness as a treatment for sour and sick stomach, dizziness, dyspepsia, ailments of the liver, kidneys and bowels, impure blood, asthma, catarrh in the head, chest, stomach, and bowels, pimples, boils, eruptions of the skin, jaundice, headaches, fevers and feverish complaints; its effectiveness to purify the blood and system in general of impurities and accumulations; its effectiveness to relieve a great many aches and pains; its effectiveness to counteract catarrh, and as a treatment for irritation of the mucous membrane of the bowels and urinary passages; its effectiveness to regulate the bowels, and as a treatment for indigestion, foul breath, coated tongue, blotches, rash, sallow skin and complications of the liver and kidneys; its effectiveness to eliminate waste matter from the bowels and to alleviate stomach disorders; its effectiveness as a remedy for stomach disorders, catarrh, catarrh of the chest, asthma and irritations of the mucous membranes of the intestines and urinary passages; its effectiveness to regulate intestinal activity, and as a treatment for fever and feverish attacks, especially in children, digestive and gastric disorders; its effectiveness as a preventive of headaches, excessive acidity of the stomach, dyspepsia, attacks of vertigo, bad breath, coated tongue, pimples, abscesses, skin impurities, eruptions, sallow skin, and insufficiently functioning liver or kidneys; its effectiveness to expel waste matters from the intestines and to cause the stomach to function properly; its effectiveness as a treatment for blood disorders and serious disorders of the liver and kidneys; and its effectiveness to regulate the digestion and to prevent many diseases and much pain and suffering.

The Golden Electric Liniment was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness as a relief for pain caused by muscular rheumatism, neuralgia, headache, earache, backache, toothache, stiff neck, sore, stiff, swollen muscles or joints, aching joints, cuts, pleurisy, bronchitis, frozen limbs, minor forms of colic and cramps, and many other ailments; its effectiveness as a treatment for burns, open sores, earache and sore throat; its effectiveness to alleviate rheumatic pains, neuralgia, headache, sore, stiff, swollen joints and muscles, backache, wounds, snake bites and all forms of colic and cramps; its effectiveness as a treatment, remedy, and cure for rheumatic pains, neuralgia, headache, backache, sore, stiff, swollen muscles or joints, frozen hands, snake bites, burns, open wounds, toothache, earache, stomach ache caused by colic or cramp, open sores, diarrhea and dysentery; its effectiveness as a relief for a great many aches and pains; its effectiveness as a treatment for colic in horses, cattle, and swine, and bellyache in horses, cows, and pigs; and its effectiveness as a relief for pain caused by colic and cramps, barb-wire cuts and swellings in horses and cattle. The Golden Electric Liniment was alleged to be misbranded further in that the statement "alcohol 71%" on the label was false and misleading since it represented that the article contained 71 percent of alcohol; whereas it did not contain 71 percent of alcohol but contained a less amount. It was alleged to be misbranded further in that

it contained alcohol and its label failed to bear a statement of the quantity and proportion of the alcohol contained therein.

On June 8, 1938, a plea of *nolo contendere* having been entered by the defendant, the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29043. Adulteration and misbranding of rubber prophylactics. U. S. v. 24 Gross of Texide. Default decree of condemnation and destruction. (F. & D. No. 42335. Sample No. 24626-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On May 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gross of rubber prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about January 10, 1938, from Chicago, Ill., by the Latex Distributing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Texide * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements on the labeling were false and misleading: "Prophylactics * * * guaranteed five years * * * against deterioration under normal conditions * * * for the prevention of disease."

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29044. Misbranding of Bismolake; adulteration and misbranding of phenobarbital tablets, Amidobar Compound Tablets, sodium fluoride tablets, ephedrine sulphate capsules, and phenobarbital sodium ampuls. U. S. v. The Lakeside Laboratories, Inc. Plea of *nolo contendere*. Fine, \$100. (F. & D. No. 38060. Sample Nos. 34266-B, 58002-B, 58003-B, 58005-B, 58047-B, 58073-B, 58075-B, 14313-C.)

The Bismolake contained metallic bismuth in excess of the amount declared and the remaining products, with the exception of one lot of phenobarbital sodium ampuls, contained smaller amounts of certain drugs than declared. One lot of phenobarbital sodium was represented to be sterile and free from foreign matter, whereas it was not.

On June 21, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lakeside Laboratories, Inc., Milwaukee, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about December 13, 1935, to on or about September 14, 1936, from the State of Wisconsin into the State of Illinois, of quantities of the above-named pharmaceuticals of which the Bismolake was misbranded and the remaining products were adulterated and misbranded. The articles were labeled in part: "The Lakeside Laboratories, Inc., Milwaukee, Wis."

The Bismolake was alleged to be misbranded in that the statement in the labeling, "Each c.c. contains the equivalent of 45 mgms. metallic Bismuth," was false and misleading, since it represented that the article contained in each cubic centimeter not more than 45 milligrams of metallic bismuth; whereas it contained not less than 57.6 milligrams of metallic bismuth in each cubic centimeter.

The phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1½ grains of phenobarbital; whereas each tablet contained not more than 1.29 grains of phenobarbital. The article was alleged to be misbranded in that the statement on the label, "Phenobarbital * * * C. T. * * * 1½ grs," was false and misleading.

The Amidobar Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1 grain of barbital; whereas each tablet contained not more than 0.68 grain of barbital. The article was alleged to be misbranded in that the statement on the label, "Barbital 1 Gr.," was false and misleading.

The sodium fluoride was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1/2 grain of sodium fluoride, whereas each tablet contained not more than 0.39 grain of sodium fluoride. The article was alleged to be misbranded in that the statement on the label, "Sodium Fluoride 1/2 Gr.," was false and misleading.

The ephedrine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each capsule was represented to contain 3/4 grain of ephedrine sulphate; whereas each capsule contained not more than 0.65 grain of ephedrine sulphate. The article was alleged to be misbranded in that the statement on the label, "Ephedrine Sulphate Capsules 3/4 Gr.," was false and misleading.

One lot of the phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each 2 cubic centimeters of the article was represented to contain 5 grains of phenobarbital sodium; whereas each 2 cubic centimeters of the article contained not more than 4.2 grains of phenobarbital sodium. This lot was alleged to be misbranded in that the statement on the label, "5 grs. 2 cc Phenobarbital Sodium," was false and misleading. The other lot of phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since if used for injection as directed, it should have been sterile and free from foreign matter; whereas the contents of the ampuls were not sterile, but contained micro-organisms, and they were not free from foreign matter, but contained animal hair.

On May 20, 1938, a plea of *nolo contendere* having been entered on behalf of the defendant, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

29045. Misbranding of gauze bandages and absorbent cotton. U. S. v. 5 Gross of Gauze Bandages, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42280 to 42283, incl. Sample Nos. 23438-D to 23441-D, incl.)

Both of these products were contaminated with viable micro-organisms, and some of the bandages were contaminated with viable molds.

On April 29, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 gross of gauze bandages and 10 gross packages of absorbent cotton at Seattle, Wash.; alleging that the articles had been shipped in interstate commerce on or about March 4, 1938, from Carlstadt, N. J., by Hampton Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The gauze bandages were alleged to be misbranded in that the statements on the label, "This * * * bandage has been scientifically prepared for surgical use under sanitary manufacturing conditions. Packed in cartons so that it may be easily opened and protect the unused portion which may be kept in the box," were false and misleading when applied to unsterile gauze which could not be used safely for surgical purposes.

The absorbent cotton was alleged to be misbranded in that the statements on the label, "This cotton is of fine quality, prepared primarily for surgical use. Can be conveniently used in the home, nursery and factory," were false and misleading when applied to an article which was contaminated with viable micro-organisms, and which therefore was not safe for use and could not be conveniently used.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29046. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross of Prophylactics (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41687, 42336, 42368, 42369. Sample Nos. 10105-D, 25482-D, 25483-D, 27401-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On February 12 and May 10 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 27 1/3 gross of rubber

and animal membrane prophylactics in various lots at Miami, Fla.; Denver, Colo.; and New York, N. Y.; alleging that the articles had been shipped in interstate commerce on January 29, March 1, and May 2, 1938, from Atlanta, Ga., by the Olympia Laboratory; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part variously: "Excello's," "Pickaniny," or "Amazons."

They were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: (Excello's) "The perfected latex * * * For Prevention of Disease"; (Pickaniny) "Choicest Grade * * * Highest Quality. The merchandise which you will find in this package is made of the very best material. * * * Air tested and guaranteed 100% perfect * * * For the prevention of contagious diseases"; (Amazons) "Air Tested 100% Perfect * * * Choicest grade * * * Highest Quality * * * the prevention of contagious diseases * * * made of the very best material."

On May 27, and June 7 and 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29047. Adulteration and misbranding of rubber prophylactics. U. S. v. 2 Gross, et al., of Rubber Prophylactics (and one similar action). Default decree of condemnation and destruction. (F. & D. Nos. 41987 to 41990, incl., 42006. Sample Nos. 8739-D to 8742-D, incl., 12093-D, 12094-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On March 19 and 21, 1938, the United States attorneys for the Eastern District of Michigan and the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 6 gross of rubber prophylactics at Flint, Mich., and 48 gross of the product at New Haven, Conn.; alleging that the articles had been shipped in interstate commerce on or about March 4 and 7, 1938, from New York, N. Y., by the Aaronoff Rubber Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously in part: "Kamelskin," or "X-Ray," "Gold-Tip," or "Kingtex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements, variously appearing on the labels of the several lots, were false and misleading: (Kamelskin) "Skin * * * Prophylactic * * * For Prevention of Disease * * * Guaranteed Five Years * * * age defying. As an added protection to health Kamelskin is triple tested"; (X-Ray) "Disease Preventative Five Years Guarantee * * * Triple Air Tested"; (Gold-Tip) "Safest Prophylactic Guaranteed Five Years Triple Air Tested Disease Preventative"; (Kingtex) "Disease Preventative Guaranteed Five Years Triple Air Tested."

On May 4 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29048. Adulteration and misbranding of Astra-D. U. S. v. 4 Cans of Astra-D. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40416. Sample No. 15197-C.)

This product contained fewer units of vitamin D per gram than represented on its label.

On October 1, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of Astra-D at Milwaukee, Wis.: alleging that the article had been shipped in interstate commerce on or about July 26, 1937, from Los Angeles, Calif., by Lancaster, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Astra-D * * * Lancaster, Inc. * * * Los Angeles, Calif."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Vitamin D * * * Twenty Thousand U S P Units per Gram," since it did not contain 20,000 U S P units of vitamin D per gram, but did contain a much less amount,

The article was alleged to be misbranded in that the statements on the label, "Vitamin D * * * Twenty Thousand U S P Units per Gram biologically standardized by the Loyola University of Los Angeles," were false and misleading when applied to an article containing much less than 20,000 U S P units of vitamin D per gram.

On March 7, 1938, Lancaster, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled: "Fifteen thousand U. S. P. Units Per Gram."

M. L. WILSON, *Acting Secretary of Agriculture.*

29049. Misbranding of Kobros Tablets, Apostal Herb Tea, and Balsam for Lungs.
U. S. v. 48 Packages of Kobros Tablets, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42175 to 42178, incl. Sample Nos. 8375-D, 8378-D, 8379-D, 8380-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and one lot of the Balsam for Lungs contained less alcohol and less chloroform than represented on its label.

On April 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 packages of Kobros Tablets, 27 packages of Apostal Herb Tea, and 107 packages of Balsam for Lungs at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on various dates between January 30, 1937, and February 18, 1938, from Duquesne, Pa., by the Royal Manufacturing Co. of Duquesne; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that the Kobros Tablets consisted essentially of acetylsalicylic acid (aspirin, 5 grains per tablet); that the Apostal Herb Tea consisted essentially of plant material including coriander seed, senna leaves, licorice bark, uva ursi leaves, and cascara sagrada bark; and that the Balsam for Lungs consisted essentially of a syrupy liquid containing alcohol (approximately 5 percent), water, chloroform (approximately 1 minim per fluid ounce), menthol, pine tar, and extract of wild-cherry bark.

The Kobros Tablets were alleged to be misbranded in that certain statements appearing in the labeling in English, Polish, Hungarian, and Slavic, falsely and fraudulently represented the curative and therapeutic effectiveness of the article for the relief of pains and aches, rheumatism, gripe, backache, dullness, dizziness, pressure in head, sleeplessness and such pains which accompany rheumatism, sciatica, lumbago, brain fatigue, sour stomach, nervous exhaustion, or similar pains; and in the treatment of rheumatism, nervousness, insomnia, stiffness in the back joints, many pains peculiar to women, head cramps, gout, earache and toothache, trauma, swelling, or any other similar pains.

The Apostal Herb Tea was alleged to be misbranded in that certain statements appearing in the labeling in English, German, Polish, and Hungarian, falsely and fraudulently represented its curative and therapeutic effectiveness in the treatment of dyspepsia, indigestion, biliousness, rheumatism, sick headache, and certain stomach, liver, and kidney ailments; to purify the blood and the complexion; its effectiveness as a treatment for gastric debility, hemorrhoids and chronic diseases, rheumatism, dropsy, tumors, cancer, and all blood disorders, ailments of the stomach, kidneys, liver, and eczema; and to bring a healthy appetite, to stimulate the flow of the bile, to aid the intestines and liver to healthful activity, to strengthen the entire system and assure peaceful sleep, and to cleanse the blood of waste and unclean material.

The Balsam for Lungs was alleged to be misbranded in that certain statements appearing in the label in English, German, Polish, and Hungarian, falsely and fraudulently represented the curative and therapeutic effectiveness of the article in the treatment of coughs, simple ailments of the throat, chest and lungs, and hoarseness; and its effectiveness in the treatment of lung and chest sickness, whooping cough, asthma, and other troubles connected with the breathing apparatus, bronchitis, and croup.

One lot of the Balsam for Lungs was alleged to be misbranded further in that the following statements appearing in the label were false and misleading, since they represented that the article contained 8 percent of alcohol and that it contained 3 minims or more of chloroform to each fluid ounce; whereas it did not contain 8 percent of alcohol nor 3 minims of chloroform to each fluid ounce, but did contain smaller amounts of alcohol and of chloro-

form: (Bottle label) "Alcohol 8%, Chloroform 3 M. to each Fl. ounce."; (carton) "Alcohol 8 Per Cent. Chloroform 4 Minims, * * * to Each Fl. Ounce."

On June 15, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture*

29050. Misbranding of Betix. U. S. v. 72 Packages of Betix. Default decree of condemnation and destruction. (F. & D. No. 41733. Sample No. 8357-L.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 21, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 packages of Betix at Evanston, Ill.; alleging that the article had been shipped in interstate commerce on or about January 6, 1938, from Milwaukee, Wis., by the Scheidemann Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of a coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva ursi and senna leaves.

The article was alleged to be misbranded in that the statement borne on the package label, "Betix is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry," meant to sufferers from diabetes that their bodies would regain the ability to convert sugar in the blood into the substances normally produced in healthy persons, in that the word "Betix" was a device, that the aforesaid statement and device were representations regarding the curative and therapeutic effects of the article, and were false and fraudulent since they meant to the purchaser that the article was a treatment for diabetes, having attained such meaning as a result of such statement and a circular entitled "Facts About Betix," a supply of which was received by the consignee from the consignor and which was distributed to customers and prospective customers.

On April 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 29001-29050

| | | | |
|--|------------------|--|------------------|
| Amidobar Compound Tablets: | N. J. No. | Hi-Test Vaginal Suppositories: | N. J. No. |
| Lakeside Laboratories, Inc.---- | 29044 | Hi-Test Laboratories----- | 29012 |
| Ammonia aromatic spirit: | | Pfeiffer, S., Manufacturing Co.----- | 29012 |
| Sauer, C. F., Co.----- | 29026 | Hydrogen peroxide: | |
| Anti-Bilious Blood and Catarrh Powder: | | General Drug & Oil Co.----- | 29010 |
| Lemke, C. R.----- | 29042 | Septol: | |
| Lemke, Dr. H. C., Medicine Co.----- | 29042 | Studio Cosmetic Co.----- | 29036 |
| Anti-Cholelith: | | I. G. Antiseptic: | |
| Leon Chemical Co.----- | 29017 | Norzel's Beauty Products Manufacturing Co., Inc.----- | 29002 |
| Apostol Herb Tea: | | Kalms: | |
| Royal Manufacturing Co. of Duquesne----- | 29049 | Seabury, Inc.----- | 29008 |
| Astra-D: | | Kidney tablets: | |
| Lancaster, Inc.----- | 29048 | Commercial Laboratories----- | 29029 |
| Balsam for Lungs: | | Kobros Tablets: | |
| Royal Manufacturing Co. of Duquesne----- | 29049 | Royal Manufacturing Co. of Duquesne----- | 29049 |
| Betix: | | Laxatives: | |
| Scheidemann Co.----- | 29050 | Carnation Toilet Co.----- | 29041 |
| Bick's Mentholated Camphor Cream: | | Lemke's, Dr., Laxative Herb Tea: | |
| Vapor Salve: | | Lemke, C. R.----- | 29042 |
| Bick, T. B.----- | 29041 | Lemke, Dr. H. C., Medicine Co.----- | 29042 |
| Carnation Toilet Co.----- | 29041 | Ligatures. <i>See</i> Surgical dressings, sutures. | |
| Bismolake: | | Linimentine: | |
| Lakeside Laboratories, Inc.---- | 29044 | Bick, T. B.----- | 29041 |
| Bixlax Laxative Tablets: | | Carnation Toilet Co.----- | 29041 |
| Bick, T. B.----- | 29041 | Magnesia, citrate of: | |
| Carnation Toilet Co.----- | 29041 | Berman, Benjamin, Co.----- | 29014 |
| Blood Purifier: | | Myraphen: | |
| Freithofer, E., Manufacturing Co.----- | 29006 | Plexo Preparations, Inc.----- | 29013 |
| Blue Ribbon Household Liniment: | | Na-Sin-Ol: | |
| Bick, T. B.----- | 29041 | Na-Sin-Ol Co.----- | 29040 |
| Carnation Toilet Co.----- | 29041 | Niter, sweet spirits: | |
| Boro-Septol Tablets: | | Sauer, C. F., Co.----- | 29026 |
| Boro-Septol Chemical Co.----- | 29038 | Nourse Gall Remedy: | |
| Carnation Dental Cream: | | Nourse Oil Co.----- | 29019 |
| Bick, T. B.----- | 29041 | Pessaries, rubber: | |
| Carnation Toilet Co.----- | 29041 | Perfection Rubber Co.----- | 29031 |
| Catgut ligatures. <i>See</i> Surgical dressings, sutures. | | Phenobarbital tablets: | |
| Colac Pile Pills: | | sodium tablets: | |
| Colac Chemical Co., Inc.----- | 29024 | Lakeside Laboratories, Inc.--- | 29044 |
| Vasco Products, Inc.----- | 29024 | Pon-Tam-Pon: | |
| Cotton, absorbent. <i>See</i> Surgical dressings. | | Pond Manufacturing Co.----- | 29001 |
| Duray: | | Prophylactics animal membrane: | |
| Duray Laboratories, Inc.---- | 29023 | Olympia Laboratory----- | 29046 |
| Wilson, Hunter----- | 29023 | rubber: | |
| Ephedrine sulphate capsules: | | Aaronsoff Rubber Co.----- | 29047 |
| Lakeside Laboratories, Inc.---- | 29044 | Jacobs, Joseph----- | 29035 |
| Ether: | | Latex Distributing Co.----- | 29043 |
| Merck & Co.----- | 29011 | Olympia Laboratory----- | 29046 |
| Femisan Suppositories: | | Shunk, L. E., Latex Products, Inc.----- | 29043 |
| Fem-I-San Co.----- | 29012 | Q-Loid: | |
| Pfeiffer, S., Manufacturing Co.----- | 29012 | Magay Corporation----- | 29016 |
| Fisher's Columbine Massage Cream: | | Reilly's, Dr., Herb Tonic: | |
| Massage Liniment: | | Reilly, T. I., M. D.----- | 29005 |
| Pugilitis Pendicitis: | | Reso-Quinon Vaginal Jelly: | |
| Fisher, G. B.----- | 29007 | White Cross Pharmacals, Inc.--- | 29030 |
| Gauztex. <i>See</i> Surgical dressings, gauze bandages. | | Sanisalva Salve: | |
| Ger-Oil: | | Bick, T. B.----- | 29041 |
| Ger-Oil Co.----- | 29004 | Carnation Toilet Co.----- | 29041 |
| Glycerant: | | Sandal oil. <i>See</i> Santal oil. | |
| Pond Manufacturing Co.----- | 29001 | Sandalwood oil. <i>See</i> Santal oil. | |
| Golden Electric Liniment: | | Santal oil: | |
| Lemke, C. R.----- | 29042 | Burrough Bros. Manufacturing Co.----- | 29033 |
| Lemke, Dr. H. C., Medicine Co.----- | 29042 | Gelatin Products Co.----- | 29021 |
| Herman's Special Blood Purifier: | | Merz Capsule Co.----- | 29025, 29032 |
| Freithofer, E., Manufacturing Co.----- | 29006 | Red Mill Drug Co.----- | 29037 |
| | | Ryland, H. C.----- | 29034 |
| | | Septol Hydrogen Peroxide. <i>See</i> Hydrogen peroxide. | |

| | N. J. No. | | N. J. No. |
|---------------------------------|-----------|---|-----------|
| Soak-In-Liniment. | | Surgical dressings—Continued. | |
| Frank, A. J., Co. | 29039 | gauze bandages: | |
| Sodium fluoride tablets: | | Hampton Manufacturing Co. | 29045 |
| Lakeside Laboratories, Inc. | 29044 | Gauztex: | |
| Spohn's Udder-Aid: | | Gauztex Corporation | 29008 |
| Spohn Medical Co. | 29020 | sutures: | |
| Sunshine Vitamin D Bath Flakes: | | Jaeger-Bigelow Co. | 29003 |
| Peterson, F. J. | 29015 | Laboratory of the Ramsey | |
| Suppositories: | | County Medical Society | 29028 |
| Pfeiffer, S., Manufacturing Co. | 29012 | Sutures. <i>See</i> Surgical dressings. | |
| Surgical dressings— | | Tree of Life Tonic: | |
| cotton, absorbent: | | Tree of Life Tonic Co. | 29022 |
| Acme Products Co., Inc. | 29018 | Vitawine: | |
| Hampton Manufacturing Co. | 29045 | Vitawine Co. | 29027 |

¹ Contains an opinion of the court.

F1314X
United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29051-29250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 8, 1938]

29051. Adulteration and misbranding of cocktail mixers. U. S. v. Certain Quantities of Cocktail Mixers. Default decree of condemnation and destruction. (F. & D. Nos. 41422 to 41427, incl. Sample Nos. 57287-C to 57292-C, incl.)

These products were represented to consist of fruit juices; whereas they were mixtures of water, fruit juices, and added citric acid. In addition, one lot bore an incorrect statement of the quantity of contents.

On January 18, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 gallon jugs and eleven 25-ounce bottles of cocktail mixers at Binghamton, N. Y.; alleging that the articles had been shipped in interstate commerce on various dates between January 4 and November 29, 1937, from Philipsburg, Pa., by Sky-Scraper Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions were labeled: "Lemon [or "Lime"] * * * Cocktail Hour Brand, * * * S. P. Co., Philipsburg, Pa." The remainder were labeled: "Lemon [or "Lime"] * * * Sky-Scraper Brand * * * Sky-Scraper Products Co., Philipsburg, Pa."

The articles were alleged to be adulterated in that they were mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements appearing in the labeling of the several lots were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted of water, fruit juice, and added citric acid: (Portion) "Lemon [or "Lime"] * * * Fruit Juice * * * Use as the Juice of Fresh Fruit"; (remainder) "Lemon [or "Lime"] Fruit Mixer Use as the Juice of Fresh Fruit 1 Oz. of Lemon [or "Lime"]. Fruit Mixer is Equivalent to the Juice of 1 Lemon [or "Lime"].". The articles were alleged to be misbranded further in that they were imitations of other articles. One lot was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct in that the label bore the statement "Contents 1 Pt. 9 Fl. Oz."; whereas the bottles contained approximately 1 gallon.

On May 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29052. Adulteration of seedless raisins. U. S. v. 700 Cartons of Raisins. Consent decree of condemnation. Product released under bond for removal of deleterious substance. (F. & D. No. 39358. Sample No. 29989-C.)

This product contained hydrocyanic acid in an amount which might have rendered it injurious to health.

On April 9, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cartons of raisins at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by the Cured Fruit Association of California from Stockton, Calif.; and charging adulteration in violation of

the Food and Drugs Act. The article was labeled in part: "Iris Brand California Seedless Raisins Rosenberg Bros. & Co. California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On April 27, 1938, the Cured Fruit Association of California, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of except in conformity with the law. The product was reconditioned by the claimant and after examination by this Department, it was ascertained that the deleterious ingredient had been eliminated.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29053. Misbranding of canned tomatoes. U. S. v. 698 Cases of Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42137. Sample No. 3293-D.)

This product was substandard because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On April 19, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 698 cases of canned tomatoes at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about March 23, 1938, by Parrott & Co., of San Francisco, Calif. (from Stockton, Calif.); and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lodi Brand Tomatoes With Puree from Trimmings Parrott & Co. San Francisco California."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 3, 1938, A. E. Turner & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29054. Adulteration of crab meat. U. S. v. 270 1-Pound Cans and 162 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. Nos. 42246, 42247. Sample Nos. 13420-D, 13421-D.)

This product was in part filthy.

On April 18, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 432 1-pound cans of crab meat at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 16, 1938, by E. J. Toomer from Thunderbolt, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 25, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29055. Adulteration of crab meat. U. S. v. 2 Barrels and 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 42208. Sample Nos. 17131-D, 17132-D.)

This product was decomposed.

On April 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of crab meat at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by Mills Fisheries from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29056. Adulteration of canned clams. U. S. v. 15 Cases of Clams. Default decree of condemnation and destruction. (F. & D. No. 42074. Sample No. 14133-D.)

This product was in part decomposed.

On March 26, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned clams at Salem, Mass.; alleging that the article had been shipped in interstate commerce on or about November 11, 1937, by Brown & Hart Packing Co. from Cherryfield, Maine; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B & H Brand Fancy Clams * * * Packed by Brown & Hart Packing Co. Millbridge, Maine."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29057. Adulteration and misbranding of imitation lemon flavor. U. S. v. Five 1-Pint Bottles and Three 1-Quart Bottles of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. & D. No. 41331. Sample No. 44400-C.)

This product contained about 18 percent of a glycol or a glycol ether, or both, poisons.

On January 14, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight bottles of imitation lemon flavor at Elizabeth City, N. C.; alleging that the article had been shipped in interstate commerce on or about June 8, 1937, by the Spartan Products Corporation from Petersburg, Va.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Imitation Lemon Flavor * * * Southern Chemical Co. Manufacturers of Spartan Brand Flavoring Extracts * * * Petersburg, Virginia."

It was alleged to be adulterated in that a product containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for imitation lemon flavor, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the statement "Imitation Lemon Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, namely, "Imitation Lemon Flavor," a food flavor.

On February 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29058. Adulteration of canned clams. U. S. v. 18 Cases of Clams. Default decree of condemnation and destruction. (F. & D. No. 42210. Sample No. 8099-D.)

This product was in whole or in part decomposed.

On April 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned clams at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 26 and June 18, 1937, by Burnham & Morrill Co., from Portland, Maine; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On June 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29059. Adulteration of canned tomato puree. U. S. v. 938 Cases and 222 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. Nos. 42182, 42183. Sample Nos. 15520-D, 15521-D.)

This product contained excessive mold.

On or about April 23, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,160 cases of tomato puree at Lawrence, Kans.; alleging that the article had been shipped in interstate commerce in part on or about September 24, 1937, and in part on or about February 9, 1938, by Columbus Foods Corporation from Columbus, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and filthy vegetable substance.

On May 14, 1938, the Columbus Foods Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29060. Misbranding of canned tomatoes. U. S. v. 398 Cases of Tomatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42135. Sample No. 5421-D.)

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On April 7, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cases of canned tomatoes at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about September 20, 1937, by M. Schild & Co. from Winchester, Tenn.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Spring City Brand Hand Packed Tomatoes * * * M. Schild & Co. Dayton, Tenn."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 31, 1938, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution for use as food, but not for sale.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29061. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42365. Sample No. 16815-D.)

This product was below U. S. grade No. 1 because of excessive grade defects.

On May 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, from Dover-Foxcroft, Maine, by W. H. Martin, of Bangor, Maine; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 1.

On May 11, 1938, Wm. A. Scarlett & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29062. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42889. Sample No. 21741-D.)

This product contained less than 80 percent of milk fat.

On May 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce

on or about April 21, 1938, by Barre Mills Cooperative Creamery from West Salem, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On May 11, 1938, C. H. Weaver & Co., Chicago, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29063. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42317. Sample No. 21711-D.)

This product contained less than 80 percent of milk fat.

On April 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 24, 1938, by the Fonda Creamery from Fonda, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On April 29, 1938, L. J. Ehlert, trading as Fonda Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29064. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 42318. Sample No. 21724-D.)

This product contained less than 80 percent of milk fat.

On April 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 2, 1938, by the Jayhawk Cooperative Creamery Association, from Holton, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On May 4, 1938, Land O'Lakes Creameries, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29065. Adulteration and misbranding of cream soda flavor. U. S. v. 5 Glass Jugs of Cream Soda Flavor. Default decree of condemnation and destruction. (F. & D. No. 41323. Sample No. 56741-C.)

This product contained about 12 percent of diethylene glycol, a poison.

On January 4, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five jugs of cream soda flavor at Union City, N. J.; alleging that the article had been shipped in interstate commerce on or about November 29, 1937, by Conron & Co., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From Conron & Co., Inc. Manufacturers of Extracts, * * * Etc. * * * Cream Soda Flavor."

It was alleged to be adulterated in that a product containing a glycol, a poison, had been substituted in whole or in part for a food flavor, which it purported

to be; and in that it contained an added poisonous ingredient, a glycol, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the name "Cream Soda Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to a food flavor containing a poison; and in that it was offered for sale under the distinctive name of another article, "Cook's Cream Soda Flavor."

On February 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29066. Misbranding of Roquefort cheese. U. S. v. 32½ Dozen Packages of Roquefort Cheese. Default decree of condemnation and destruction. (F. & D. No. 42230. Sample No. 10802-D.)

This product was short of the declared weight.

On April 21, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32½ dozen packages of Roquefort cheese at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about April 5, 1938, by Wm. Faehndrich, Inc., from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Genuine Famous Brand * * * Net Weight 3 Ozs When Packed Wm. Faehndrich Inc."

The article was alleged to be misbranded in that the statement "Net Weight 3 Ozs When Packed" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29067. Adulteration of assorted flavors. U. S. v. 140 Bottles of Vanilla, et al. Default decree of condemnation and destruction. (F. & D. No. 42160. Sample Nos. 14213-D to 14217-D, incl.)

These products were artificially colored and flavored solutions simulating vanilla flavor and lemon and orange extracts, and were so weak that if used in the ordinary quantity, they would impart practically no flavor.

On April 13, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 314 unlabeled bottles invoiced as vanilla, 69 unlabeled bottles invoiced as lemon extract, and 104 unlabeled bottles invoiced as orange extract at Providence, R. I.; alleging that the articles had been shipped in interstate commerce on or about January 13, February 14 and 17, and March 1 and 2, 1938, from Boston, Mass., by the Outlet Merchandise Co.; and charging adulteration in violation of the Food and Drugs Act. The said bottles were in cartons labeled variously as vanilla, lemon, or orange.

The articles were alleged to be adulterated in that artificially flavored and colored solutions had been substituted in whole or in part for them—three lots of the vanilla having only one-sixth, one-fifth, and one-half, respectively, of the flavoring strength of vanilla, and the lemon and the orange extracts having only one-third of the flavoring strength of lemon and orange extracts.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29068. Adulteration of dried pears. U. S. v. 10 Cases of Dried Pears. Default decree of condemnation and destruction. (F. & D. No. 41964. Sample No. 3350-D.)

This product was insect-infested and contained rodent excreta.

On March 18, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of dried pears at Goodland, Kans.; alleging that the article had been shipped in interstate commerce

on or about January 6, 1938, from Denver, Colo., by Morey Mercantile Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oro Brand Extra Fancy Northern Pears * * * Packed by California Packing Corporation San Francisco, Cal."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29069. Adulteration of crab meat. U. S. v. 6 Cans and 6 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 42320. Sample No. 13402-D.)

This product contained evidence of the presence of filth.

On April 20, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cans of crab meat at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1938, by Brunswick Fisheries from Brunswick, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29070. Adulteration of filled chocolate beans. U. S. v. 140 Pounds of Filled Chocolate Beans. Default decree of condemnation and destruction. (F. & D. No. 42229. Sample No. 12819-D.)

This product was chocolate candy with a liquid center containing alcohol.

On April 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 pounds of filled chocolate beans at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about March 1 and 15, 1938, by the Monarch Candy Co., from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Filled Chocolate Beans * * * Mfg. By Monarch Candy Co.—Chicago Sole Distributors: Alfred Glander, Importer * * * New York."

It was alleged to be adulterated in that it contained spirituous liquor.

On May 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29071. Adulteration of tomato paste. U. S. v. 81 Cases of Tomato Paste (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42021, 42090, 42219, 42220. Sample Nos. 9981-D, 9987-D to 9990-D, incl., 22423-D.)

This product contained excessive mold.

On March 21, April 5, and April 18, 1938, the United States attorneys for the Northern District of Ohio and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 81 cases of tomato paste at Youngstown, Ohio, and 322 cases and 10,000 cans of tomato paste at Scranton, Pa.; alleging that the article had been shipped in interstate commerce between the dates of December 10, 1937 and March 2, 1938, by Page's Gold Medal Canning Co., Inc., from Albion, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Italian Style Tomato Paste * * * Packed by Page's Gold Medal Canning Co., Inc. Albion, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 2, 6, and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29072. Misbranding of canned peas. U. S. v. 198 Cases and 248 Cases of Peas. Consent decree of condemnation with provision for release under bond for relabeling. (F. & D. Nos. 42080, 42081. Sample Nos. 19280-D, 19401-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On March 29, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 446 cases of canned peas at St. Paul, Minn.; alleging that the article had been shipped in interstate commerce on or about March 12, 1938, by the Oostburg Canning Co., from Oostburg, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Parade Brand [or "State Fair Brand"] * * * Packed By Oostburg Canning Co. Oostburg, Wisconsin."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 3, 1938, Midway Jobbing Co., St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, with provision for release of the product under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29073. Misbranding of canned tomatoes. U. S. v. 144 Cartons and 95 Cartons of Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 42097, 42098. Sample Nos. 8446-D, 8447-D.)

This product was substandard because it was slack-filled, and it was not labeled to indicate that it was substandard. Moreover, the cans contained less than the amount declared on the label.

On April 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 cartons of canned tomatoes at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 15, 1938, from Centerville, Ind., by the King-McCoy Canning Corporation; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jane Addams Brand Tomatoes Net Wt. 1 Lb. 3 Oz. [or "Net Wt. 1 Lb. 12 Oz."] Packed For State Wholesale Grocers, Inc. Chicago, Ill."

It was alleged to be misbranded in that the statements, "Net Wt. 1 Lb. 3 Oz." and "Net Wt. 1 Lb. 12 Oz.," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct. It was alleged to be misbranded further in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it was slack-filled because of excessive headspace, and the packages or labels did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 6, 1938, King-McCoy Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29074. Misbranding of canned peas. U. S. v. 341 Cases of Canned Peas (and 1 similar seizure action). Decrees ordering product released under bond for relabeling. (F. & D. Nos. 41553, 41692. Sample Nos. 1303-D, 1305-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On January 28 and February 11, 1938, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 876 cases of canned peas at Richmond, Va.; alleging that the article had

been shipped in interstate commerce on or about October 16 and December 15, 1937, from Cambridge, Md., by Phillips Sales Co., Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Choptank Brand Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md."; or "Phillips Delicious Early June Peas, * * * Phillips Packing Co., Inc., Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 10, 1938, Phillips Sales Co., Inc., having appeared as claimant, decrees were entered ordering the product released under bond with the condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29075. Adulteration and misbranding of tomato puree. U. S. v. 47 Cases of Tomato Puree. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39631. Sample No. 34933-C.)

This product contained a smaller proportion of tomato solids than tomato puree should contain.

On May 20, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of tomato puree at Pensacola, Fla.; alleging that the article had been shipped in interstate commerce on or about June 27, 1936, from New Orleans, La., by Angelo Glorioso; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree * * * packed by A. Glorioso, New Orleans, La."

It was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which it purported to be.

The article was alleged to be misbranded in that the statement on the label, "Tomato Puree," was false and misleading and deceived and misled the purchaser, since the article was deficient in tomato solids, and for that reason was not tomato puree.

On June 12, 1937, Angelo Glorioso, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond with the condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29076. Adulteration of canned wax beans. U. S. v. 13 Cases, 285 Cases, and 154 Cases of Wax Beans. Default decree of condemnation and destruction. (F. & D. Nos. 41871, 41872, 41873. Sample Nos. 2121-D, 2123-D, 2229-D.)

Examination of this product showed the presence of worms and worm-damaged beans.

On March 3, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 452 cases of canned wax beans at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by the Blytheville Canning Co., from Blytheville, Ark.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Blytheville Brand Cut Wax Beans * * * Blytheville Canning Co. Inc." The remainder was labeled: "Dinner Time Brand * * * Packed for C. A. Pearson, Inc., Twin Cities, Minnesota."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29077. Misbranding of canned apricots. U. S. v. 149½ Cases of Compote California Apricots, et al. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42410, 42411. Sample Nos. 17943-D, 17944-D.)

This product fell below the standard established by this Department, and it was not labeled to indicate that it was substandard.

On May 17, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 850 cases of canned apricots at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, from San Francisco, Calif., by the F. G. Wool Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Crest Brand Compote California Apricots * * * Napa Canning Company Head Office. San Francisco, Cal."; or "Fiesta Brand Compote Apricots * * * Packed by Golden State Canneries Main Office Los Angeles, Cal. [or "Ontario, Cal."]."

It was alleged to be misbranded in that it was canned food that fell below the quality and condition promulgated by the Secretary of Agriculture for such canned food, since the fruit was so soft that the pieces would lose their natural shape when the article was emptied from the can into a dish, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On May 26, 1938, Alaska Distributors, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered, and the product was ordered released under bond with the condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29078. Misbranding of canned cherries. U. S. v. 308 Cases and 867 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 41834, 41835. Sample Nos. 41776-C, 41777-C.)

This product was substandard because it was not of standard fill, and it was not labeled to indicate that it was substandard.

On March 2, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,175 cases of cherries at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 16 and August 25, 1937, by the Haserot Co., from Northport, Mich.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Plymouth Rock Pitted Red Cherries * * * Distributed by Sprague, Warner & Company Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since it was not of standard fill and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 21, 1938, the Haserot Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29079. Adulteration of strawberry jam. U. S. v. 29 Pails of Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 42339. Sample Nos. 17656-D, 18124-D.)

This product contained moldy strawberries.

On May 9, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 pails of strawberry jam at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, from Portland, Oreg., by the Starr Fruit Products Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "O K Brand Pure Strawberry Jam Packed for Stiefvater's, San Francisco."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29080. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42425. Sample No. 21736-D.)

This product contained less than 80 percent of milk fat.

On April 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by Rock Falls Cooperative Creamery Co. from Rock Falls, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On May 6, 1938, Leserman Bros., Chicago, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29081. Adulteration of fig paste and orange paste with cocoanut. U. S. v. 1 Tin of Fig Paste and 1 Tin of Orange Paste containing chopped cocoanut. Default decree of condemnation and destruction. (F. & D. No. 42103. Sample Nos. 12505-D, 12507-D.)

These products were infested with insects and contained rodent hairs.

On April 1, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tin each of the above-described products at Bloomfield, N. J.; alleging that the articles had been shipped in interstate commerce on or about October 4, 1937, from Brooklyn, N. Y., by the Orange Products Co.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Orange Products Co. * * * Brooklyn, N. Y., * * * Fig Fillings [or "Cocoanut"]."

They were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On May 12, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29082. Misbranding of peanut butter. U. S. v. 21 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42235. Sample No. 16371-D.)

This product was short weight.

On April 23, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, from Dothan, Ala., by Dothan Oil Mill Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Domco Fine Quality Peanut Butter Made by Dothan Oil Mill Co., Dothan, Ala."

It was alleged to be misbranded in that the statement on the label, "Net Wt. 16 Ozs.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct and was not declared in terms of the largest unit contained in the package.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29083. Adulteration of Emulsol-M (frozen eggs). U. S. v. Rothenberg & Schneider Bros., Inc. Plea of nolo contendere. Fine, \$35 and costs. (F. & D. No. 40775. Sample No. 8858-C.)

Samples of this product were found to be decomposed.

On February 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Rothenberg & Schneider Bros., Inc., alleging that on or about July 2 and July 7, 1936, the defendant sold and delivered to the Emulsol Corporation, Chicago, Ill., quantities of Emulsol-M under a guaranty that the product complied with the Federal Food and Drugs Act; that on or about January 19, 1937, a quantity of the said article, in the identical condition as when so sold and guaranteed, was shipped in interstate commerce by the Emulsol Corporation from the State of Illinois into the State of New York; and that the article was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Emulsol-M * * * The Emulsol Corporation * * * Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed and putrid animal substance.

On April 11, 1938, a plea of *nolo contendere* was entered on behalf of the defendant and the court imposed a fine of \$35 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29084. Adulteration and misbranding of pineapple butter; misbranding of loganberry, lemon, fig, and prune butter. U. S. v. 10 Cases of Pineapple Butter, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42112 to 42116, incl. Sample Nos. 12821-D to 12825-D, incl.)

All of these products were short of the declared weight, and the pineapple butter was in an active state of fermentation.

On April 4, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases, each containing 24 jars, and 21 dozen jars of fruit butter at New York, N. Y.; alleging that the articles had been shipped in interstate commerce in part on or about January 7, 1938, by the Coast Fishing Co., and in part on or about February 27, 1938, by the American Shippers Association from Los Angeles, Calif.; and charging adulteration and misbranding of the pineapple butter, and misbranding of the other products in violation of the Food and Drugs Act as amended. The articles were labeled variously in part as follows: "Golden Flow Brand Pure Pineapple [or "Loganberry," "Lemon," "Fig," or "Prune"] Butter Pure Foods Corporation Los Angeles, Calif. Net Contents 6 Oz."

All products were alleged to be misbranded in that the statement "Net Contents 6 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to products which were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

The pineapple butter was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 26, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29085. Adulteration and misbranding of olive oil. U. S. v. 351 Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. Nos. 40960, 40961, 40962. Sample Nos. 56827-C, 56828-C, 56829-C.)

This product was labeled to represent that it was pure imported olive oil, whereas it was artificially flavored and colored cottonseed oil.

On December 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 351 cans of alleged olive oil at New York, N. Y.; alleging that on or about November 17, 1937, F. Alfano, of New York, N. Y., delivered the article for transportation in interstate commerce to Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Gioiosa Brand" or "Superfine Brand."

It was alleged to be adulterated in that a substance other than olive oil had been substituted for the said article.

Misbranding was alleged in that the following statements and designs appearing on the labels of the several lots were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored and flavored domestic cottonseed oil and when applied to an article that purported to be a foreign product: (One lot) "Imported Product Pure Olive Oil [design of olive branches bearing olives] Prodotto Importato Olio D'Oliva Puro Marca

Gioiosa * * * Olio D'Oliva Puro Garantito Sotto Qualsiasi Analisi Chimica. We Guarantee This Olive Oil To Be Absolutely Pure Under Chemical Analysis * * * Imported Pure Olive Oil"; (second lot) "Italian Product Virgin Olive Oil Superfine * * * Lucca-Italia [design of olive branches bearing olives] * * * Prodotto Italiano Vergine Olio D'Oliva Marca Sopraffino * * * The Purity of This Olive Oil Is Guaranteed Under Chemical Analysis. * * * La Purezza Di Quest' Olio E Garentita, All' Analisi Chimica * * * Imported From Italy"; (third lot) "Italian Product Imported Sublime Olive Oil Superfine * * * Lucca Italy [design of olive branches bearing olives] * * * Prodotto Italiano Olio D'Oliva Sublime Importato Sopraffino * * * Lucca Italia This Olive Oil Is Guaranteed To Be Absolutely Pure Under Any Chemical Analysis * * * Quest' Olio D'Oliva E Garantito Assolutamente Puro Sotto Qualsiasi Analisi Chimica * * * Imported From Italy." The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, olive oil.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29086. Misbranding of olive oil. U. S. v. 83 Cans and 11 Cans of Alleged Olive Oil (and one similar seizure action). Default decrees entered. Product ordered delivered to charitable institutions. (F. & D. Nos. 41116, 41117. Sample Nos. 57522-C to 57525-C, incl.)

This product was labeled to represent that it was pure imported olive oil, whereas it was artificially colored and flavored cottonseed oil.

On December 16, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cans of alleged olive oil at New Haven, Conn.; alleging that the article had been shipped in interstate commerce from Brooklyn, N. Y., in part on or about November 17, 1937, by "Dellino" and in part on or about November 22, 1937, by Anthony Dellino; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, variously: "Nettuno Brand," "Roberta Brand," "Pulcella Brand," and "Lucca Brand."

It was alleged to be misbranded in that the following statements and designs were false and misleading and tended to mislead and deceive the purchaser, since they represented that it was olive oil and was a foreign product; whereas it was not olive oil and was not a foreign product, but was domestic cottonseed oil: (First lot) "Nettuno * * * Olio Puro D'Oliva Finissimo Prodotto Garantito [design of olive branch bearing olives] * * * This olive oil is absolutely pure, * * * We guarantee its purity under chemical analysis. Quest' Olio Di Oliva E Assolutamente Pure E Insuperabile Per Uso Di Cucina E Medicinale. Nei Garentiamo La Sua Purezza Sotto Qualsiasi Analisi Chimica"; (second lot) "Pure Olive Oil Imported From Lucca Toscana Italy [design of olive branches bearing olives] * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis. [Design of Italian flag] Quest' olio d'oliva e garantito assolutamente puro sotto analisi chimica. [Design of German flag] Dieses Oliven Oel ist garantiert absolut rein unter chemischer analyse. [Design of French flag] Cette huile d'olives est garantie absolument pure sous analyse chimique. * * * Este Aceite do Olivo esta garantizado absolutamente puro bajo analisis quimica"; (third lot) "Pulcella * * * Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy [designs of olive branches bearing olives and of woman in native costume, presumably Italian] * * * Garantito Puro Olio D'Oliva Extra Fine Importato Lucca Italia * * * We guarantee our olive oil to be absolutely pure under any chemical analysis * * * Garantiamo Il Nostro Olio Estratto Da Olive Scette Assolutamente Puro Sotto Qualsiasi Analisi Chimica Insuperabile Come Olio Da Tavola Ed Eccellente Per Uso Medicinale * * * Prodotti Italiani"; (fourth lot) "Olio Di Oliva Vergine [design of olive branch bearing olives] Lucca * * * Prodotto Italiano * * * This Olive Oil Is Guaranteed Pure * * * Questo Olio E Garantito di Puro Oliva"; (all lots) "Imported from Italy."

The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, olive oil.

On May 9, 1938, no claimant having appeared, judgments were entered ordering that the product be delivered to charitable institutions and that the containers be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29087. Adulteration of skim milk powder. U. S. v. 16 Bags of Skim Milk Powder. Default decree of condemnation and destruction. (F. & D. Nos. 41532, 41533. Sample Nos. 4521-D, 4522-D.)

Examination of samples of this article showed evidence of excessive sourness and decomposition.

On January 25, 1938, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bags of skim milk powder at Grand Forks, N. Dak.; alleging that the article had been shipped in interstate commerce from Moorhead, Minn., via Fargo, N. Dak., in part on or about January 4, 1938, by Fargo Food & Equipment Co., as salesman for Cass Clay Cooperative Creamery; and in part on or about December 29, 1937, by Northwestern Supply Co., as jobbers for Cass Clay Cooperative Creamery; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29088. Adulteration of fresh spinach. U. S. v. 320 Baskets of Fresh Spinach. Default decree of condemnation and destruction. (F. & D. No. 42125. Sample No. 17076-D.)

This product was infested with aphids.

On April 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 320 baskets of fresh spinach at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about March 31, 1938, from Suffolk, Va., by W. S. Cross; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29089. Misbranding of canned tomatoes with puree from trimmings. U. S. v. 995 Cases of Tomatoes with Puree from Trimmings. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42073. Sample Nos. 2996-D, 11824-D.)

This product fell below the standard established by this Department because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On March 28, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 995 cases of the above-named product at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 24, 1938, from Stockton, Calif., by Parrott & Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lodi Brand Tomatoes With Puree From Trimmings Parrott & Co., San Francisco, California."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 2, 1938, Parrott & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond with the condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29090. Adulteration of shelled peanuts. U. S. v. 50 Bags of Shelled Peanuts. Default decree of condemnation and destruction. (F. & D. No. 42139. Sample No. 9889-D.)

This product contained an excessive proportion of dirty kernels.

On April 7, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bags of shelled

peanuts at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about February 22, 1938, by the Bain Peanut Co., of Albany, Ga., from Savannah, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29091. Adulteration of butter. U. S. v. 19 Tubs, 5 Tubs, and 3 Tubs of Butter. Consolidated decree of condemnation. Product released under bond to be reworked. (F. & D. Nos. 42488, 42489, 42490. Sample Nos. 21747-D, 21751-D, 21752-D.)

This product contained less than 80 percent of milk fat.

On May 12, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about April 22 and 29 and May 2, 1938, by Merchants Dairy Co., from Desloge, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On May 23, 1938, the cases having been consolidated and D. J. Coyne & Co., Chicago, claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation was entered (under a consolidated decree), and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29092. Adulteration of fresh spinach. U. S. v. 239 Baskets of Fresh Spinach. Default decree of condemnation and destruction. (F. & D. No. 42111. Sample No. 17075-D.)

This product was heavily infested with aphids.

On April 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 baskets of spinach at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about March 30, 1938, from Norfolk, Va., by Young Old; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29093. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42491. Sample No. 21755-D.)

This product was deficient in milk fat.

On May 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 3, 1938, by the Craig County Milk Producers Cooperative Association from Vinita, Okla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On May 20, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29094. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation. Product released under bond to be repacked. (F. & D. No. 42487. Sample No. 4207-D.)

This product was short weight.

On May 16, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 30-pound cases of butter at Cincinnati, Ohio; alleging that the article had been shipped in interstate commerce on or about May 13, 1938, by the Rising Sun Creamery Co., from Rising Sun, Ind.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser, (carton) "One Pound Net" and (wrapper) "Four Ounces Net"; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct, in each instance the package being short weight.

On May 23, 1938, the Rising Sun Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked to the declared weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29095. Adulteration of butter. U. S. v. 16 Tubs and 16 Tubs of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. Nos. 42426, 42897. Sample Nos. 21737-D, 21767-D.)

This product contained less than 80 percent of milk fat.

On April 27 and May 18, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about April 14, 1938, in the name of the American Creamery & Dairy Co., and in part on or about May 11, 1938, in the name of the American Dairy Co., from Evansville, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by the act of March 4, 1923.

On May 9 and 26, 1938, C. H. Weaver & Co., Chicago, claimant, having admitted the allegations of the libels, and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29096. Adulteration and misbranding of shelled peanuts. U. S. v. 54 Bags of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 42143. Sample No. 9890-D.)

This product contained excessive damaged or dirty kernels.

On April 7, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bags of shelled peanuts at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about March 15, 1938, by the J. B. Worth Peanut Co., from Petersburg, Va.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement, "No. 2 Spanish Shelled Peanuts," borne on the bags, was false and misleading when applied to Spanish shelled peanuts which contained damaged (dirty) kernels in excess of the 1½-percent tolerance for U. S. No. 2 grade.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29097. Adulteration of butter. U. S. v. 55 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42896. Sample No. 21743-D.)

This product was deficient in milk fat.

On May 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 24, 1938, by the Archer Produce Co., from Vinita, Okla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by act of March 4, 1923.

On May 9, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29098. Misbranding of canned peas. U. S. v. 140 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42239. Sample No. 8869-D.)

This product was substandard because the peas were not normally colored and were not immature, and it was not labeled to indicate that it was substandard.

On April 26, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 2, 1938, in part from Columbus, Wis., and in part from Evansville, Ind., by the Columbus Foods Corporation; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Weber Valley Brand Those Good Peas Sugar * * * Distributed by Hoover Food Products Corp. Chicago."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not normally colored and were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 17, 1938, the Hoover Food Products Corporation, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29099. Adulteration of canned tuna. U. S. v. 862 Cases of Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 39426. Sample No. 26975-C.)

This product was in part decomposed.

On or about May 6, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 862 cases of canned tuna at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about March 24, 1937, by Point Loma Tuna Packers, Inc., from Point Loma, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunrise Tuna Fish * * * Distributors [or "Distributed only by"] Miner, Read & Tullock Inc. New Haven, Conn."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 20, 1937, Point Loma Tuna Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that all cans, with the exception of those identified by one code number, be released as fit for consumption, and that all cans under the code not so released might be shipped

to the packer for separation of the good from the bad and destruction of the latter—such shipment and separation to be under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29100. Adulteration of butter. U. S. v. 61 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42989. Sample No. 21753-D.)

This product contained less than 80 percent of milk fat.

On May 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 61 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, by Talbot-Woods & Kelly Butter Co., Inc., from Kansas City, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by the act of March 4, 1923.

On May 23, 1938, D. J. Coyne & Co., Chicago, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29101. Adulteration of candy. U. S. v. 40 Boxes of Candy (and 15 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 42052, 42241, 42219, 42294, 42295, 42299, 42311, 42323, 42348, 42349, 42358, 42359, 42375, 42387, 42393, 42435. Sample Nos. 1553-D, 10514-D, 10612-D, 13167-D, 25302-D, 25303-D, 25307-D to 25311-D, incl., 25313-D to 25318-D, incl., 25387-D, 25388-D, 25389-D, 25404-D.)

Samples of this product were found to contain rodent hair and excreta, insect fragments, human hair, and other filth.

On various dates between March 25 and May 19, 1938, 16 United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,069 boxes of candy in various lots at Bridgeton, Jersey City, Elizabeth, Passaic, Hoboken, Newark, Hackensack, and Paterson, N. J., McAdoo, Pa.; and Bristol and Hartford, Conn.; alleging that the article had been shipped in interstate commerce on various dates between January 15 and May 4, 1938, from Brooklyn, N. Y., and Jersey City, N. J., by the Bonomo Candy & Nut Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brevard Miniature Chocolates * * * Brevard Chocolate Co. Brooklyn, N. Y.;" or "Mother's Day [or "Barry's Assorted Chocolates"] 'A Bonomo Product' Brooklyn, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On various dates between May 26 and June 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29102. Adulteration of chocolate candies and chocolate coating. U. S. v. 231 Cases of Chocolate Candies and 24 Sacks of Chocolate Coating. Consent decree of condemnation. Product released under bond for salvage of good portion. (F. & D. Nos. 42224, 42225. Sample Nos. 13249-D to 13254-D, incl.)

Samples of this product were found to be water-damaged and moldy.

On April 19, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 231 cases of chocolate candies and 24 sacks of chocolate coating at Brooklyn, N. Y.; alleging that the articles had been shipped in interstate commerce on or about March 7, 1938, from Seattle, Wash., by Rockwood & Co.; and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a decomposed and filthy vegetable substance.

On May 23, 1938, Rockwood & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was released under bond conditioned that the bad be segregated from the good and denatured or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29103. Misbranding of mincemeat. U. S. v. 121 Jars of Mincemeat. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 40957. Samples Nos. 40112-C, 40113-C, 40114-C, 45212-C.)

This product was short of the declared weight.

On December 6, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 jars of mincemeat at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from San Francisco, Calif., by Oests Food Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oest's California Mince Meat Oest Foods San Francisco California."

It was alleged to be misbranded in that the statement on the label, "Net Contents thirty-five ounces," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29104. Adulteration of butter and frozen eggs. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$200 on first count. Probation for 1 year on remaining counts. (F. & D. No. 40807. Sample Nos. 27220-C, 37721-C, 34068-C, 34069-C, 43145-C, 43146-C, 43152-C, 43153-C, 43155-C, 43156-C, 43157-C, 49503-C, 71043-C.)

The butter contained less than 80 percent of milk fat, and the eggs were decomposed.

On April 30, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hugh A. Pruitt, trading as Pruitt Produce Co., at Ardmore, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on various dates in the period from on or about May 23, 1937, to on or about November 1, 1937, from the State of Oklahoma into the States of Illinois, Missouri, New York, and Pennsylvania of quantities of butter and eggs which were adulterated.

The butter was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

The eggs were alleged to be adulterated in that they consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 3, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$200 on the first count of the information, and put him on probation for a period of 1 year on the remaining count.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29105. Adulteration and misbranding of Nut Krunchets. U. S. v. 14 Boxes and 15 Boxes of Nut Krunchets. Default decrees of condemnation and destruction. (F. & D. Nos. 42263, 42269. Sample Nos. 10573-D, 13000-D.)

This product was labeled to indicate that it was almonds, whereas it was peanuts; and a portion was insect-infested.

On April 28, 1938, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 14 boxes of Nut Krunchets at Lancaster, Pa., and 15 boxes of the same product at Bloomfield, N. J.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, from New York, N. Y., by Gro-Best Products Co., Inc.; and charging adulteration and misbranding of a portion and misbranding of the remainder in violation of the Food and Drugs Act. The article was labeled in part: "Garden of Allah Almond

(Flavored) Nut Krunchets * * * Gro-Best Products Co., Inc., New York, N. Y."

One lot was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that it was labeled so as to deceive or mislead the purchaser, since the prominent statement on the box and the dealer display card, "Almond Nut Krunchets," implied to the purchaser that it consisted of almonds; whereas it consisted of peanuts.

On May 16 and June 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29106. Adulteration of candy. U. S. v. 14 Boxes of Candy (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41593, 41594, 41986. Sample Nos. 472-D, 475-D, 14969-D.)

Samples of this product were found to contain rodent hair and excreta and other filth.

On February 4 and March 17, 1938, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court 3 libels praying seizure and condemnation of 51 boxes of candy at Portland and Salem, Oreg.; alleging that the article had been shipped in interstate commerce on or about November 15 and 22, and December 18, 1937, from Hammond, Ind., by the Queen Anne Candy Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Queen Anne Candy Co. * * * Special * * * Hammond, Indiana."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29107. Adulteration and misbranding of preserves. U. S. v. 20 Cases of Preserves. Default decree of condemnation and destruction. (F. & D. No. 36889. Sample Nos. 44126-B to 44129-B, incl.)

These products were deficient in fruit and contained added acid, pectin, and water.

On December 27, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of preserves at Fall River, Mass.; alleging that the articles had been shipped in interstate commerce on or about October 4, 1935, from Brooklyn, N. Y., by the National Kream Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Gold Value Preserves Pure Strawberry [or "Raspberry" or "Loganberry"] * * * National Kream Co., Inc., New York."

Adulteration was alleged in that mixtures of sugar, acid, pectin, and water had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that mixtures of fruit, sugar, acid, pectin, and water containing less fruit than preserves, had been substituted for preserves; and in that they were mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements on the label, "Preserves Pure Strawberry [or "Raspberry" or "Loganberry"]," as the case may have been, were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On May 23, 1938, the National Kream Co., Inc., Brooklyn, N. Y., having appeared as claimant and having denied the allegations of the libel, but having failed to appear when the case was called for trial, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29108. Adulteration and misbranding of tomato puree. U. S. v. Saukville Canning Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 38584. Sample No. 63476-B.)

This product was deficient in tomato solids and contained excessive mold.

On June 21, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Saukville Canning Co., a corporation, Saukville, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 7, 1936, from the State of Wisconsin into the State of Illinois, of a quantity of tomato puree which was adulterated and misbranded. The article was labeled in part: "Wisconsin 'Way Ahead Tomato Puree Packed By Saukville Canning Co. Saukville, Wis."

It was alleged to be adulterated in that a product deficient in solids and insufficiently concentrated had been substituted in whole or in part for tomato puree, which it purported to be; and in that it consisted in whole or in part of a decomposed vegetable substance.

The article was alleged to be misbranded in that the statement "Tomato Puree," borne on the label, was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since it represented that the article was tomato puree; whereas the article was not tomato puree but was an insufficiently concentrated product deficient in solids.

On May 20, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29109. Misbranding of canned apricots and canned peaches. U. S. v. 10 Cartons of Apricots and 22 Cartons of Peaches. Decrees of condemnation. Canned peaches released under bond to be relabeled; canned apricots ordered destroyed. (F. & D. Nos. 41683, 41888. Sample Nos. 14897-D, 15143-D.)

These products were misbranded since they fell below the standard established by this Department, and they were not labeled to indicate that they were substandard. The canned apricots were misbranded further since they were labeled "Standard Apricots."

On February 14 and March 5, 1938, the United States attorneys for the Districts of Idaho and Montana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 10 cartons of canned apricots at Twin Falls, Idaho, and 22 cartons of canned peaches at Butte, Mont.; alleging that the articles had been shipped in interstate commerce by the Pacific Fruit & Produce Co., the former on or about July 26, 1937, from Salt Lake City, Utah, and the latter on or about August 10, 1937, from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Perfection Brand Water Pack Standard Apricots Packed for H. D. Olson & Sons Ogden, Utah"; and "Wauna Brand Oregon Freestone Peaches * * * Packed By Gresham Berry Growers, Inc. Gresham, Oregon."

They were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food in the following respects: The peaches consisted of fruit the units of which were not of uniform size, were not in unbroken halves, and were packed in water; and the apricots did not consist of unbroken halves; and the packages or labels did not bear plain and conspicuous statements indicating that the said products fell below such standards. The apricots were alleged to be misbranded further in that the statement "Standard Apricots" was false and misleading and tended to deceive and mislead the purchaser when applied to a substandard article.

On June 14, 1938, no claimant having appeared for the apricots, judgment of condemnation was entered and they were ordered destroyed. On June 16, 1938, Gresham Berry Growers, Inc., Gresham, Oreg., claimant for the canned peaches, having admitted the allegations of the libel, judgment of condemnation was entered and the said product was ordered released under bond, to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29110. Misbranding of canned cherries. U. S. v. 45 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41655. Sample No. 2476-D.)

This product was short weight.

On February 9, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cases of canned cherries at Kearney, Nebr.; alleging that the article had been shipped in interstate commerce on or about July 17, 1937, by Varney Canning, Inc., from Roy, Utah; and charging misbranding in violation of the Food and Drugs Act as amended. The article was

labeled in part: "Leota Brand Pitted Red Sour Cherries * * * Contents 1 Lb. 2 Oz. Varney Canning Co. Ogden Utah."

It was alleged to be misbranded in that the statement "Contents 1 Lb. 2 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 2, 1938, the Kearney Grocery Co., Kearney, Nebr., and William Varney Canning Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29111. Adulteration of canned cherries. U. S. v. 90 Cases of Cherries. Default decree of destruction. (F. & D. No. 42130. Sample Nos. 16986-D, 16994-D.)

Samples of this product were found to contain maggots.

On April 7, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned cherries at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about December 31, 1937, from Portland, Oreg., by the Walla Walla Canning Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Home Spun Brand Royal Anne Cherries * * * Phillips-Lewis Co., Inc. Distributors, Richmond."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29112. Adulteration and misbranding of frozen egg yolks. U. S. v. 35 Cans of A-1 Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42154. Sample No. 8113-D.)

This product contained added egg white.

On April 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cans of egg yolks at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 1, 1937, from Detroit, Mich., by Frigid Food Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Frigid Food Products, Inc. * * * Detroit, Mich. * * * Yolks."

It was alleged to be adulterated in that a mixture of egg yolks and egg white had been substituted wholly or in part for egg yolks, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained added egg white.

On May 28, 1938, Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29113. Misbranding of canned blueberries. U. S. v. 200 Cases of Canned Blueberries. Consent decree of condemnation. Product released under bond to be correctly relabeled. (F. & D. No. 41581. Sample Nos. 7593-D, 7611-D.)

This product was short weight.

On or about February 2, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned blueberries at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about October 27, 1937, by the Sargentville Packing Co., from Ellsworth, Maine; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gold Coin Brand Blueberries Contents 6 Lbs. 12 Oz. * * * Packed by Sargentville Packing Co. Sargentville, Maine."

It was alleged to be misbranded in that the statement "Contents 6 Lbs. 12 Oz." was false and misleading and tended to deceive and mislead the purchaser since it was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 27, 1938, the Sargentville Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be correctly relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29114. Adulteration of crab meat. U. S. v. Winstead-Bloxom-Jones Co., Inc. **Plea of nolo contendere. Fine, \$40 and costs.** (F. & D. No. 38623. Sample Nos. 4868-B, 27774-B, 7501-C, 7858-C, 7927-C.)

This product contained evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Winstead-Bloxom-Jones Co., Inc., a corporation, Newport News, Va.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 27, 1934, July 2, 1935, and July 7, 13, and 20, 1936, from the State of Virginia into the District of Columbia of quantities of crab meat which was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 12, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$40 and costs on the first count and suspended imposition of penalty on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29115. Adulteration of crab meat. U. S. v. G. T. Elliott, Inc. **Plea of nolo contendere. Fine, \$40 and costs.** (F. & D. No. 38635. Sample Nos. 4905-B, 39372-B, 39912-B, 7856-C.)

This product contained evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. T. Elliott, Inc., Hampton, Va.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 31, 1934, July 9 and 16, 1935, and July 20, 1936, from the State of Virginia into the States of Ohio, Pennsylvania, and Maryland and the District of Columbia, of quantities of crab meat which was adulterated. A portion of the article was labeled in part: "From G. T. Elliott, Inc. Hampton, Va."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, fecal *Bacillus coli*.

On May 12, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$40 and costs on the first count and suspended imposition of penalty on the remaining three counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29116. Adulteration of spinach. U. S. v. 600 Baskets of Spinach. **Consent decree of condemnation and destruction.** (F. & D. No. 42141. Sample No. 17079-D.)

This product was infested with aphids.

On April 6, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 baskets of spinach at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 5, 1938, from Norfolk, Va., by the Commercial Produce Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 4, 1938, the Commercial Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29117. Adulteration of mineral water. U. S. v. 44 Cases of Waukesha Fox Head Mineral Water. Default decree of condemnation and destruction. (F. & D. No. 42102. Sample No. 21403-D.)

Examination showed that this product was polluted.

On April 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of mineral water at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about March 10 and 12, 1938, by Fox Head-Waukesha Corporation from Waukesha, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Waukesha Fox Head Mineral Water."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29118. Adulteration and misbranding of ground ear corn. U. S. v. 550 Sacks of Ground Ear Corn. Default decree of condemnation and destruction. (F. & D. No. 42107. Sample No. 10161-D.)

This article was represented to be ground ear corn, a product which should consist of chopped corn and cob with no greater proportion of cob than occurs in the ear corn in its natural state, but was not ground ear corn.

On or about April 5, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 550 sacks of ground ear corn at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about February 5 and 12, 1938, from New Orleans, La., by J. T. Gibbons, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunrise Ground Ear Corn Manufactured by J. T. Gibbons, Inc., New Orleans, La."

It was alleged to be adulterated in that a mixture of ground corn, corn bran, rice hulls and rice bran, ground and shredded bagasse (sugarcane), a small amount of ground corn cob, and calcium carbonate had been substituted in whole or in part for ground ear corn, which it purported to be.

It was alleged to be misbranded in that the statement, "Ground ear corn * * * made from the entire ear of corn in its natural state," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted as aforesaid.

On May 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29119. Misbranding of peanut butter. U. S. v. 112 Cases of Peanut Butter. Consent decree ordering product released under bond. (F. & D. No. 42305. Sample No. 15872-D.)

This product was short weight.

On May 4, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 cases of peanut butter at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about March 19 and April 1, 1938, from Denison, Tex., by the Denison Peanut Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Best Select Quality Peanut Butter * * * Denison Peanut Co., Denison, Texas."

It was alleged to be misbranded in that the statement on the label, "Contents 1 Lb. 8 Ozs.," tended to deceive and mislead the purchaser and was false and misleading when applied to an article short in weight; and in that it was food in package form and the quantity of contents was not plainly or conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 19, 1938, the Griffin Grocery Co., Oklahoma City, Okla., claimant, having admitted the allegations of the libel, the product was ordered released under bond with the condition that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture,*

29120. Misbranding of canned peaches. U. S. v. 142 Cases of Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42213. Sample No. 10912-D.)

This product fell below the standard for canned peaches established by this Department, and it was not labeled to indicate that it was substandard.

On April 16, 1938, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 cases of canned peaches at Barbourville, Ky., consigned on or about August 18 and 20, 1937; alleging that the article had been shipped in interstate commerce by Bush Bros. & Co. from Clinton, Tenn.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clinton Brand Unsweetened Freestone Peeled Yellow Peaches * * * Bush Bros. & Company * * * Dandridge, Texas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because the peaches were packed in water (the liquid portion of finished product read less than 14° Brix) and were not so labeled; the peaches were not of normal and uniform size, were not unblemished, and were not in unbroken halves; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that the article fell below such standard.

On May 17, 1938, Bush Bros. & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29121. Adulteration of maple sirup. U. S. v. 46 Drums of Maple Sirup. Consent decree releasing product under bond for deleading. (F. & D. No. 42308. Sample No. 9461-D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, from Forestville, N. Y., by R. Morgan & Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Rockey T. Morgan, claimant, Forestville, N. Y., having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29122. Adulteration of canned grapefruit juice. U. S. v. 299 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. & D. No. 42134. Sample No. 11418-D.)

This product contained insect fragments.

On or about April 8, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 cases of canned grapefruit juice at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about February 25, 1938, from Weslaco, Tex., by Christensen Products Corporation; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29123. Adulteration of canned spinach. U. S. v. 69 Cases of Spinach. Default decree of condemnation and destruction. (F. & D. No. 42382. Sample No. 25341-D.)

This product was in whole or in part decomposed.

On May 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases of canned spinach at Bronx, N. Y.; alleging that the article had been shipped in interstate commerce

on or about February 26, 1938, by the Bohannon Canning Co. from McAllen, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bohannon Spinach * * * Bohannon Canning Co. Offices: Van Buren, Ark. McAllen, Texas."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On June 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29124. Adulteration of tomato catsup. U. S. v. 728 Cases of Tomato Catsup (and two similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 41609, 42439, 42440. Sample Nos. 9509-D, 22494-D, 31203-D.)

This product contained excessive mold.

On February 4 and May 20, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 728 cases of tomato catsup at McKeesport, Pa., 49 cases of the product at Erie, Pa., and 146 cases at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce in part on or about November 18, 1937, and January 19 and March 1, 1938, by Farm King Packing Co., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Pomeo Brand Tomato Catsup Distributed by Potter McCune Co., McKeesport, Pa.;" "Commodore Tomato Catsup * * * Distributors C. A. Curtze Erie, Pa.;" and "Donahoe's My-Te-Good Ketchup * * * Packed For Donahoe's, Pittsburgh, Pa."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and filthy vegetable substance.

On May 20, July 21, and August 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29125. Misbranding of canned peas. U. S. v. 173 Cases of Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41903. Sample No. 740-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about March 12, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of canned peas at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about January 14, 1938, by the Biddle Purchasing Co., from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Howard Brand Early June Peas * * * Packed By A. W. Feeser & Co., Inc. * * * Silver Run, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 1, 1938, Chitty & Co., Jacksonville, Fla., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29126. Misbranding of peanut butter. U. S. v. 83½ Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42355. Sample No. 29035-D.)

This product was short weight.

On May 10, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83½ cases of peanut butter at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about March 28, 1938, from Brundidge, Ala., by Louis-Anne, Inc.; and charging misbranding in violation of the Food and Drugs Act. The

article was labeled in part: "Louis-Anne Peanut Butter * * * Manufactured by Louis-Anne, Inc., Brundidge, Ala."

It was alleged to be misbranded in that the statement on the label, "Net Wt. When Packed 32 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29127. Adulteration of maple sirup. U. S. v. 76 Drums and 30 Drums of Maple Sirup. Consent decrees releasing product under bond for deleading. (F. & D. Nos. 42231, 42470. Sample Nos. 14307-D, 16589-D, 22735-D.)

This product contained lead.

On April 23 and May 27, 1938, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 106 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce, in part on or about April 9, 1938, from Panama, N. Y., and in part on or about May 10, 1938, from Clymer, N. Y., by John Wiggers; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, John Wiggers, Panama, N. Y., claimant, having admitted the allegations of the libels, the product was released under bond conditioned that it be deleading.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29128. Adulteration of maple sirup. U. S. v. 98 Drums and 32 Drums of Maple Sirup. Consent decrees releasing product under bond for deleading. (F. & D. Nos. 42362, 42419. Sample Nos. 12394-D, 12621-D, 14200-D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 130 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce, in part on or about April 30, 1938, from North Lawrence, N. Y., and in part on or about May 5, 1938, from Edwards, N. Y., by T. J. Ford; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, T. J. Ford, St. Regis Falls, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be deleading.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29129. Misbranding of cottonseed cake and screenings. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 40833. Sample Nos. 4142-D, 4143-D.)

This product contained less protein and more crude fiber than represented on its label.

On May 7, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation trading at Anadarko, Okla.; alleging shipment by said defendant in violation of the Foods and Drugs Act, on or about October 6, 1937, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake and screenings which was misbranded. The article was labeled in part: "Chickasha Quality Cottonseed Cake or Meal * * * Manufactured by or for Chickasha Cotton Oil Co. Chickasha, Oklahoma."

It was alleged to be misbranded in that the statements, "Protein not less than 43.00 per cent" and "Crude Fiber not more than 12.00 per cent," were false and misleading and were borne on the label so as to deceive and mislead the pur-

chaser since it contained a smaller percentage of protein and a larger percentage of crude fiber than so represented.

On June 11, 1938, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29130. Adulteration and misbranding of vanilla extract. U. S. v. 3 Bottles of Vanilla. Default decree of condemnation and destruction. (F. & D. No. 42324. Sample No. 17444-D.)

This product was represented to be pure vanilla but was in fact an artificially colored solution containing added vanillin and little or no true vanilla extractives.

On May 13, 1938, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three bottles of vanilla extract at Alderson, W. Va.; alleging that the article had been shipped in interstate commerce on or about December 23, 1937, from New York, N. Y., by R. C. Williams & Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Vanilla No. 1 Grade R. C. Williams & Co., Inc. Distributor New York, N. Y."

It was alleged to be adulterated in that an artificially colored and flavored imitation of pure vanilla had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength and had been substituted in whole or in part for pure vanilla, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the name "Pure Vanilla" was false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of and was offered for sale under the distinctive name of another article, pure vanilla.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29131. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 41887. Sample No. 14896-D.)

This product was not normally colored, and the units were blemished, were not uniform, and were not in unbroken halves. It was misbranded because it was not labeled to indicate that it was substandard and because its label bore the design of uniform apricot halves.

On March 5, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned apricots at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about October 11, 1937, from Sonoma, Calif., by Forest J. Maynard; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand Water Pack Apricots * * * Packed For International Brokerage Co., Seattle—Minneapolis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it consisted of fruit that was not normally colored, the units of which were not normal or of uniform size, the fruit being blemished and not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard. It was alleged to be misbranded further in that its label bore a design of apricot halves, which design was false and misleading when applied to an article of canned food that was substandard.

On June 16, 1938, Forest J. Maynard Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29132. Adulteration of maple syrup. U. S. v. 76 Drums of Maple Syrup (and four similar seizure actions). Decrees releasing product under bond for deleading. (F. & D. Nos. 42306, 42307, 42407, 42408, 42409. Sample Nos. 12396-D, 12400-D, 12622-D, 22722-D, 22724-D.)

This product contained lead.

On May 17, 18, and 19, 1938, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the dis-

trict court five libels praying seizure and condemnation of 355 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 23 and May 2 and May 5, 1938, in various shipments from Clymer, Sherman, Carthage, Croghan, and Harrisville, N. Y., by Robert H. Maroney; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Robert H. Maroney, St. Regis Falls, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29133. Adulteration of cheese. U. S. v. 14 Boxes of Cheese. Default decree of condemnation and destruction. (F. & D. No. 42255. Sample No. 16459-D.)

This product contained an excessive amount of moisture.

On April 26, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of cheese at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 7, 1938, from Hustisford, Wis., by M. P. E. Radloff; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing excessive moisture had been substituted wholly or in part for the article.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29134. Misbranding of peanut butter. U. S. v. 44 Cases and 30 Cases of Peanut Butter (and 1 similar seizure action). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42428-D, 42429-D, 42433-D. Sample Nos. 16352-D, 16355-D, 16356-D.)

This product was short weight.

On May 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 129 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on various dates between December 17, 1937, and April 25, 1938, from Birmingham, Ala., and Jackson, Miss., by the Alabama Vinegar Co., of Birmingham, Ala.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White House Peanut Butter * * * Alabama Vinegar Co. Birmingham, Ala."

It was alleged to be misbranded in that the statements variously borne on the label, "Contents 1 Lb.," "Contents 16 Oz. Avoir," and "Contents 8 Oz." were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantities stated were not correct.

On June 27, 1938, Sessions Co., Inc., Enterprise, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29135. Misbranding of peanut butter. U. S. v. 18 Cases and 233 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. & D. Nos. 42361, 42397. Sample Nos. 16374-D, 16376-D.)

This product was short weight.

On May 10 and 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 251 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on March 4 and 11, 1938, from Brundidge, Ala., by J. D. Johnston, Jr. Co. Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr. Co. Inc. Brundidge, Ala."

The article was alleged to be misbranded in that the statements "8 [or "32"] Oz. Net Wt. When Packed," on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantities stated were not correct.

On June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29136. Adulteration and misbranding of liquors. U. S. v. 88 Sacks of Liquors. Default decree of condemnation and destruction. (F. & D. No. 37574. Sample No. 40721-B.)

On October 5, 1933, March 20, and May 29, 1934, the United States attorney for the Western District of Washington filed in the district court a libel and amendments thereto, praying condemnation of 88 sacks, containing 874 quarts of whisky and gin, at Tacoma, Wash.; alleging that the articles had been seized by United States customs agents on or about October 21, 1925, and in the possession of A. C. Smith and E. P. Fisher, that they had been smuggled into the United States; and charging intended disposal of the products in fraud of the internal revenue laws. No claimant appeared and no further action was taken under the said libel.

At the request of the United States attorney, the products were examined with a view to the institution of condemnation proceedings under the Food and Drugs Act. Such examination revealed that they were adulterated or misbranded, or both, many lots being diluted with water, and some containing mold growths. In practically all lots, the quantity-of-contents statement was incorrect, not properly made, or illegible. Some lots were falsely represented to be genuine Scotch whiskies.

On or about April 24, 1936, the United States attorney, acting upon a report of such finding, filed a libel praying condemnation of said products; alleging that the articles had been shipped from some port outside of the United States into the State of Washington on or about October 21, 1925; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Certain lots were alleged to be adulterated in that water had been substituted in whole or in part for the articles and, in some instances, they consisted in whole or in part of filthy animal or vegetable substances.

Certain lots of the articles were alleged to be misbranding in that their labels bore false and misleading statements representing them to be genuine products of Scotland. Most of the lots were alleged to be misbranded in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since some of them failed to bear such a statement, some of them did not contain the quantity in terms of the largest unit, and in one instance the statement was illegible.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29137. Adulteration and misbranding of whitefish caviar. U. S. v. 56 Cans, et al., of Whitefish Caviar (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42290, 42443, 42444, 42445, 42507, 42909 to 42912, incl. Sample Nos. 10818-D, 16235-D to 16238-D, incl., 18682-D, 21442-D, 21443-D, 21444-D.)

Samples of this product were found to contain parasitic worms, fish scales and bones, and shell-type organisms. In addition, one lot was also short weight.

On April 30, May 27, and June 1 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 161 cans, 639 jars, and 1 barrel of whitefish caviar in various lots at Houston, Tex., Philadelphia, Pa., Chicago, Ill., and Hollywood, Calif.; alleging that the article had been shipped in interstate commerce on various dates between December 18, 1937, and January 31 and April 7, 1938, from New York, N. Y., by Rafco Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled in part: "Riviera White Fish Caviar * * * Rafco, Inc. * * * New York." The remainder was labeled: "Amtorg Trading Corporation, New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

One lot was alleged to be misbranded in that the statement "Net 4 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 8 and 27 and July 11 and 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29138. Adulteration and misbranding of butter. U. S. v. John Morrell & Co. Plea of guilty. Fine, \$150. (F. & D. No. 40797. Sample Nos. 53448-C, 53659-C.)

On April 30, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Morrell & Co., a corporation trading at Memphis, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 16, 1937, from the State of Tennessee into the State of Alabama, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Riverdale Brand * * * Creamery Butter * * * Distributed by John Morrell & Co. General Offices Ottumwa, Iowa."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the statement "Butter" on the label was false and misleading.

On June 21, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29139. Adulteration of butter and cheese. U. S. v. Georgia Packing Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 40782. Sample Nos. 43790-C, 43791-C, 43794-C.)

This cheese was deficient in fat and contained excessive moisture, and the butter contained less than 80 percent of milk fat. Moreover, samples of the butter were found to contain hairs, insect fragments, and mold.

On April 26, 1938, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Georgia Packing Co., a corporation, Thomasville, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 22 and July 19, 20, and 26, 1937, from the State of Georgia into the State of Florida of quantities of butter and cheese that were adulterated.

The cheese was alleged to be adulterated in that a substance deficient in fat and which contained excessive moisture had been substituted in whole or in part for cheese, which the article purported to be. The butter was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be; and in that it consisted in whole or in part of a filthy animal or vegetable substance.

On May 19, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29140. Misbranding of tomato catsup. U. S. v. 270 Cases of Tomato Catsup. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42340. Sample Nos. 23017-D, 23027-D.)

This product was short weight.

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of tomato catsup at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on various dates between October 11, 1937, and April 7, 1938, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tastewell Brand

Tomato Catsup * * * National Retailer Owned Grocers, Inc., Distributor, Chicago, Ill."

The article was alleged to be misbranded in that the statement "Contents 14 oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 6, 1938, U. R. M. Stores, Inc., Spokane, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29141. Adulteration of maple sirup. U. S. v. 53 Drums of Maple Sirup. Consent decree releasing product under bond for deleading. (F. & D. No. 42412. Sample No. 14267-D.)

This product contained lead.

On May 18, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 drums of maple sirup at St. Albans, Vt.; alleging that the article had been shipped in interstate commerce on or about April 26, 1938, from Harrisville, N. Y., by J. H. Brigham; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On May 26, 1938, the American Maple Products Corporation, claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29142. Adulteration of maple sirup. U. S. v. 56 Drums of Maple Sirup. Decree releasing product under bond for deleading. (F. & D. No. 42346. Sample No. 12389-D.)

This product contained lead.

On May 18, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 drums of maple sirup at Burlington, Vt.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from Croghan, N. Y., by United Maple Products, Ltd.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On May 28, 1938, the United Maple Products, Ltd., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29143. Adulteration and misbranding of butter. U. S. v. 295 Cartons of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 42012. Sample No. 16037-D.)

This product was deficient in milk fat.

On or about March 1, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 295 cartons of butter at Pensacola, Fla.; alleging that the article had been shipped in interstate commerce on or about February 3, 1938, by Kent Dairy Products Corporation, Inc., from Aberdeen, Miss.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Creamery Butter * * * The Cudahy Packing Co."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

The article was alleged to be misbranded in that it was labeled butter, which was false and misleading since it contained less than 80 percent of milk fat.

On June 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29144. Adulteration of maple sirup. U. S. v. 78 Drums and 85 Drums of Maple Sirup. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 42232, 42424. Sample Nos. 8131-D, 14262-D, 22719-D.)

Samples of this product were found to contain lead.

On April 22 and May 19, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 163 drums of maple sirup at New York, N. Y.; alleging that the article had been shipped in interstate commerce by Natural Sugars, Inc., in part on or about April 13, 1938, from Corry, Pa., and in part on or about May 6, 1938, from Burlington, Vt.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 6 and May 31, 1938, Natural Sugars, Inc., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that drums containing sirup free from lead be segregated, and that the remainder be re-processed under the supervision of this Department to completely eliminate the lead content.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29145. Misbranding of canned peas. U. S. v. 735 Cartons of Peas (and 3 similar seizure actions). Decree of condemnation. Portions released under bond for relabeling; remainder distributed to charitable institutions. (F. & D. Nos. 40340, 41387, 41403, 42367. Sample Nos. 55700-C, 55802-C, 56532-C, 13166-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 20, 1937, January 13 and May 12, 1938, the United States attorneys for the Districts of New Jersey, Massachusetts, and Connecticut, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 735 cartons of canned peas at Newark, N. J., 825 cartons of canned peas at Boston, Mass., and 39 cases of the product at Hartford, Conn.; alleging that the article had been shipped in interstate commerce between the dates of June 15, 1937, and March 8, 1938, by A. W. Sisk & Son, in various shipments from Pocomoke, Lineboro, and Westminster, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Crown of Maryland Early June Peas * * * Distributed by Preston Canning Co., Preston, Md.;" "Pine Cone Brand Early June Peas * * * Albert W. Sisk & Son Distributors Preston and Aberdeen Maryland;" "Sky Chief Brand Early June Peas * * * Packed by Lineboro Canning Company Inc Lineboro Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On February 25 and May 12, 1938, the Mason Canning Co., Pocomoke, Md., claimant for the goods seized at Newark, N. J., and a portion of those seized at Boston, Mass., and Albert W. Sisk & Son, claimant for the remainder of the goods seized at Boston, Mass., having admitted the allegations of the libels, judgments of condemnation were entered in the said actions and the product was ordered released under bond conditioned that it be relabeled. On June 30, 1938, no claim having been entered for the lot seized at Hartford, Conn., it was condemned and ordered distributed to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29146. Adulteration of butter. U. S. v. Ruby Grace Trower (Sweet Grass County Creamery). Plea of guilty. Fine, \$5. (F. & D. No. 40795. Sample No. 51039-C.)

Samples of this product were found to contain mold.

On May 14, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ruby Grace Trower, trading as the Sweet Grass County Creamery at Big Timber, Mont., alleging shipment by said defendant in viola-

tion of the Food and Drugs Act on or about October 12, 1937, from the State of Montana into the State of Washington of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 27, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29147. Misbranding of canned tomatoes. U. S. v. 96 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 40338. Sample No. 2663-C.)

This product was substandard because the fruit did not consist of whole or large pieces, was not normally colored, and it was not labeled to indicate that it was substandard.

On or about September 20, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of canned tomatoes at Clanton, Ala.; alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by the Palmetto Canning Co. from Pelham, Ga.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Palmalito Hand Packed Tomatoes * * * Packed by Palmetto Canning Co., * * * Palmetto, Florida."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit did not consist of whole or large pieces and was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29148. Adulteration of walnut meats. U. S. v. 20 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. & D. No. 42304. Sample No. 18013-D.)

This product was moldy, rancid, and insect-infested.

On May 5, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of shelled walnuts at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 9, 1938, from Oakland, Calif., by the National Nut Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29149. Adulteration of shelled pecans. U. S. v. 34 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. & D. No. 42337. Sample No. 24493-D.)

A portion of this product was rancid and decomposed.

On May 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of shelled pecans at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on various dates between November 5, 1937, and February 12, 1938, from San Antonio, Tex., by the Texas Pecan Products Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Select shelled pecans brown sweets packed by Hofmann Bros Company St Louis."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29150. Adulteration of canned corn. U. S. v. 868 Cases of Corn. Consent decree of condemnation. Product released under bond for salvaging of good portion. (F. & D. No. 42886. Sample Nos. 22075-D, 22082-D.)

This product was in part decomposed.

On June 7, 1938, the United States attorney for the Northern District of Illinois, acting upon a report filed by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 868 cases of canned corn at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 28 and 29, 1938, from Tipton, Ind., by Underwriters Salvage Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 15, 1938, Joseph Swidler, trading as Outlet Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the good portion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29151. Adulteration and misbranding of whitefish caviar. U. S. v. 4 Jars and 17 Jars of Whitefish Caviar (and three similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 42292, 42312, 42313, 42356, 42383. Sample Nos. 958-D, 10606-D, 10607-D, 10618-D, 13174-D, 13175-D.)

Samples of this product were found to be infested with parasitic worms and in some instances to contain miscellaneous dirt. In addition, four lots were short weight.

On May 2, 5, 11, and 13, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 284 jars of whitefish caviar in various lots at Philadelphia and Wilkes-Barre, Pa., Hartford, Conn., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on various dates between December 15, 1936, and April 5, 1938, from New York, N. Y., by Vita Food Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions were labeled: "White Fish Caviar Vita Brand * * * Packed By Vita Food Products, Inc. [or "Packed By Vita Fish Preserving Works"]"; or "Choisa White Fish Caviar * * * Packed Expressly For S. S. Pierce Co. Boston."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

Certain lots were alleged to be misbranded in that the statements on the label, "Net Weight 16 Oz. [or "4 Ozs."], were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 8, 15, and 30, and August 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29152. Misbranding of peaches. U. S. v. 471 Baskets of Peaches. Default decree of condemnation and destruction. (F. & D. No. 42461. Sample No. 16816-D.)

Four of the five lots of peaches in this shipment were under the sizes declared, and the remaining lot fell below the grade declared and also was in part undersized.

On May 27, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 471 baskets of peaches at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 21, 1938, from Byron, Ga., by Artis L. Smith; and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Georgia Peaches C. C. Lowe Byron Georgia Uneeda 1-5/8 [or "1-3/4" or "1-7/8"] inch"; "Quality First Artis L. Smith Fort Valley Georgia Uneeda Min. 1-7/8 [or "2"] inch"; "Georgia Peaches Oakland Fruit Farm Byron Georgia * * * 1-7/8 in. min.;" "Willingham Brand Willingham Fruit Farm Byron Georgia Uneeda 1-7/8 Min.;" "Georgia Peaches K & B Brand K & B Farms, Inc., Byron, Georgia Red Bird U. S. No. 1 2 inches up [or "2-1/4 up" or "2-1/2 up."]."

The article was alleged to be misbranded in that the statements, "1-5/8," "Min. 1 3/4 inch," "Min. 1-7/8 inech," "Min. 2 inch," "1-7/8 min.," "1-7/8 in min.," and "2-1/2 up," variously appearing on the labels, and the statement "U. S. No. 1," appearing on the label of the K & B brand, were false and misleading and tended to deceive and mislead the purchaser when applied to peaches that were undersized, or in the case of the said K & B brand, undergrade.

On June 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29153. Misbranding of canned cherries. U. S. v. 397 Cases of Canned Cherries. Decree releasing product under bond for relabeling. (F. & D. No. 42374. Sample Nos. 23116-D, 18502-D.)

This product fell below the standard established by this Department because it contained excess packing medium, and it was not labeled to indicate that it was substandard.

On May 11, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 397 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about March 19, 1938, from Seattle, Wash., by Food Associates, Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Haas Baruch & Co. Los Angeles, Calif. Distributors, Black and White Brand Water Pack Red Sour Pitted Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 15, 1938, the National Fruit Canning Co., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29154. Adulteration and misbranding of candy. U. S. v. 60 Boxes of Candy (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42215, 42216, 42298. Sample Nos. 8595-D, 8596-D, 20999-D.)

Samples of this product were found to contain insects, insect fragments, human hair, and rodent hair. One lot was short weight.

On April 18 and May 6, 1938, the United States attorney for the Eastern District of Wisconsin and the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 14 dozen boxes of candy at Milwaukee, Wis., and 60 boxes of candy at South Bend, Ind.; alleging that the article had been shipped in interstate commerce on or about March 1 and April 22, 1938, from Chicago, Ill., by the Ambrosia Candy Co.; and charging adulteration of all lots and misbranding of a portion in violation of the Food and Drugs Act. The article was labeled in part: "By Peggy Page Chicago To Mother" or "Easter Greetings 2 1/2 Lbs. Net."

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

A portion of the "Easter Greetings" was alleged to be misbranded in that the statement "2 1/2 Lbs. Net" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the aforesaid statement was incorrect.

On June 23 and July 20, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29155. Adulteration and misbranding of walnut chips. U. S. v. 16 1/2 Cans of Walnut Chips. Default decree of condemnation and destruction. (F. & D. No. 42334. Sample No. 18707-D.)

This product was infested with insects. In addition, it was represented to consist of walnuts; whereas it also contained peanuts, pecans, and shredded coconut.

On May 7, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16½ cans of walnut chips at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about April 2, 1938, from Los Angeles, Calif., by the L. A. Nut House; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La-Nut Brand Walnut Chips Manufactured by L A Nut House Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged in that the designation "Walnut Chips" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing other nuts in addition to walnuts.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29156. Adulteration of maple sirup. U. S. v. 4 Drums of Maple Sirup. Consent decree of condemnation. Product released under bond for deleadding. (F. & D. No. 42418. Sample No. 22734-D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of maple sirup at Chelsea, Mass.; alleging that the article had been shipped in interstate commerce on or about May 9, 1938, from Sherman, N. Y., by Gordon M. Tice; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 22, 1938, the New England Maple Syrup Co., Chelsea, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29157. Adulteration of butter. U. S. v. 150 Tubs of Butter (and 1 similar seizure action). Consent decree of condemnation. Product released under bond for reworking. (F. & D. Nos. 42983, 42990. Sample Nos. 21783-D, 21786-D.)

This product contained less than 80 percent of milk fat.

On June 6 and 13, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court 2 libels praying seizure and condemnation of 272 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 19 and 30, 1938, from Muskogee, Okla., by Swift & Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should not contain less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On June 29, 1938, the cases having been consolidated and Swift & Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29158. Adulteration and misbranding of whitefish caviar. U. S. v. 15 Dozen Cans of Whitefish Caviar (and 11 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42181, 42291, 42343, 42388, 42389, 42390, 42417, 42473, 42474, 43037, 43038, 43039. Sample Nos. 1711-D, 1712-D, 10595-D, 13168-D, 13169-D, 16462-D, 16463-D, 16465-D, 19438-D, 24656-D, 24657-D, 24658-D, 24695-D.)

This product contained parasitic worms, and in some instances other extraneous substances. Certain lots were short weight.

On various dates between April 13 and July 8, 1938, six United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 741½

dozen cans and 314 jars of whitefish caviar in various lots at Minneapolis, Minn., Philadelphia, Pa., Hartford, Conn., Pittsburgh, Pa., St. Louis, Mo., and Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates between October 5, 1937, and April 15, 1938, from New York, N. Y., by the Romanoff Caviar Co.; and charging that the article was adulterated and that a portion of it was also misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Whitefish Caviar * * * Packed by Hansen Caviar Company New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

A portion of the article was alleged to be misbranded in that the following statements, variously appearing on the labels, "16 Oz. Net," "2 Oz. Net," "4 Oz. Net," "1 Oz. Net," and "1½ Oz. Net," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On various dates between May 27 and August 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29159. Adulteration of dried egg albumen. U. S. v. 1 Barrel of Dried Egg Albumen. Default decree of condemnation and destruction. (F. & D. No. 42333. Sample No. 8094-D.)

This product was decomposed.

On May 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of dried egg albumen at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 13, 1937, from Spokane, Wash., by the Commercial Creamery Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29160. Misbranding of canned peas. U. S. v. 1,246 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42903. Sample Nos. 12642-D, 25375-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,246 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 29, 1938, from Lineboro, Md., by the Lineboro Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mason-Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 22, 1938, the Lineboro Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29161. Adulteration of butter. U. S. v. 2 Cases, 4 Cases, and 11 Pounds of Butter. Default decree of forfeiture and destruction. (F. & D. No. 42492. Sample No. 27626-D.)

This product contained less than 80 percent of milk fat.

On May 12, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 11 pounds of butter at East St. Louis, Ill., consigned on or about May 5, 1938; alleging that the article had been shipped in interstate commerce from St. Louis, Mo., by the Hunter Packing Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On June 7, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29162. Misbranding of potatoes. U. S. v. 200 Barrels of Potatoes. Default decree of condemnation and destruction. (F. & D. No. 42345. Sample No. 16814-D.)

This product fell below the grade declared on the label.

On May 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 barrels of potatoes at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 1, 1938, from Jacksonville, Fla., by Florida Planters, Inc., of Hastings, Fla.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the barrel, "U. S. No. 1," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 1.

On June 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29163. Adulteration of apple butter. U. S. v. 12 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42395. Sample No. 13157-D.)

This product contained lead.

On May 17, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of apple butter at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about February 21, 1938, from Baltimore, Md., by A. H. Renahan & Son, of Sykesville, Md.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Patapsco Brand Pure Apple Butter A. H. Renahan & Son Sykesville, Md."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On June 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29164. Misbranding of olive oil. U. S. v. 24 Dozen Bottles of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institution. (F. & D. No. 42364. Sample No. 24220-D.)

This product was short of the declared volume.

On May 10, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen bottles of olive oil at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about March 15, 1938, from Pittsburgh, Pa., by Sachs Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Aro Pure Virgin Imported Olive Oil * * * Sachs' Mfg. Co., Pittsburgh, Pa."

The article was alleged to be misbranded in that the statement on the label, "Contents 1½ Fl. Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and that it was food in package form and the quantity of the contents was not

plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29165. Adulteration of wheat gray shorts and screenings. **U. S. v. Shawnee Milling Co.** Plea of guilty. Fine, \$20 and costs. (F. & D. No. 40828. Sample No. 3901-D.)

This product was represented to be wheat gray shorts and screenings, but consisted in part of wheat brown shorts and screenings. In addition, it contained a larger proportion of crude fiber than declared on its label.

On May 23, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shawnee Milling Co., a corporation, Shawnee, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 17, 1937, from the State of Oklahoma into the State of Texas, of a quantity of wheat gray shorts and screenings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Gray Shorts and Screenings * * * Manufactured by Shawnee Milling Company, Shawnee, Oklahoma."

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted wholly for wheat gray shorts and screenings, which it purported to be.

Misbranding was alleged in that the statements on the tag, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading since the article was composed of wheat brown shorts and screenings and contained crude fiber in excess of 7 percent.

On June 11, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29166. Adulteration and misbranding of macaroni products. **U. S. v. Mission Macaroni Manufacturing Co.** Plea of guilty. Fine, \$17 and costs. (F. & D. No. 40809. Sample Nos. 30939-C, 30940-C, 30945-C, 30947-C, 30948-C, 30949-C, 30950-C.)

These products were made from a substance or substances other than semolina and were labeled and colored to indicate that they were made from 100-percent pure semolina.

On May 20, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mission Macaroni Manufacturing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about February 1, 1937, to on or about May 12, 1937, from the State of Washington into the State of Idaho, of quantities of macaroni products which were adulterated and misbranded. They were labeled in part: "Mission Brand 100% Pure Semolina. Manufactured by Mission Macaroni Mfg. Co., Seattle."

The articles were alleged to be adulterated in that macaroni products made in whole or in part from a substance or substances other than semolina had been substituted for macaroni products made from 100-percent pure semolina, which they purported to be; and in that they were inferior to macaroni products made from 100-percent pure semolina and had been colored with tartrazine S & J No. 94 to simulate the appearance of macaroni products made from 100-percent pure semolina, and in a manner whereby their inferiority to such products was concealed.

The articles were alleged to be misbranded in that the statement on the labels, "100% Pure Semolina," was false and misleading and was borne on the labels so as to deceive and mislead the purchaser, since it represented that the articles were made from 100-percent pure semolina; whereas they were not but were made in whole or in part from a substance or substances other than 100-percent pure semolina.

On June 13, 1938, a plea of guilty having been entered in behalf of the corporation, the court imposed a fine of \$17 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29167. Adulteration of maple syrup. U. S. v. 55 Drums of Maple Syrup (and one similar seizure action). Decrees releasing product for deleading. (F. & D. Nos. 42404, 42405. Sample Nos. 12391-D, 12399-D.)

This product contained lead.

On May 18 and 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 148 drums of maple syrup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about May 2 and 3, 1938, from Carthage and Canton, N. Y., by F. L. Phillips; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, F. L. Phillips, Watertown, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be subjected to a deleading process under the supervision of this Department, in order to eliminate the lead.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29168. Adulteration of candy. U. S. v. 2 Cartons of Candy, et al. Consent decree of condemnation and destruction. (F. & D. Nos. 42464 to 42468, incl. Sample Nos. 22321-D to 22325-D, incl.)

Samples of this product were found to contain rodent hairs and to be moldy, wormy, and insect-infested.

On May 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Martha Washington Candies Co., between the dates of March 21 and April 29, 1938, in various shipments from Terre Haute, Richmond, and South Bend, Ind., Kansas City, Mo., and Akron, Ohio; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 8, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29169. Misbranding of canned dry peas. U. S. v. 50 Cases of Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 42416. Sample No. 17696-D.)

This product was cooked dry peas but was labeled to indicate that it was immature green peas.

On May 23, 1938, the United States attorney for the Territory of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned dry peas at Honolulu, Hawaii, consigned by Y. Takokuwa & Co., alleging that the article had been shipped from San Francisco, Calif., on or about April 23, 1938; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lodi Brand [vignette of dish of bright green peas] * * * Dry Cooked Peas Parrott & Co. San Francisco California."

Misbranding was alleged in substance in that the design of a dish of immature green peas and the unduly emphasized word "Peas," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since they gave the impression that the article was the usual canned immature peas, which misleading impression was not corrected by the relatively inconspicuous words "Dry Cooked."

On June 9, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29170. Adulteration and misbranding of Solvene. U. S. v. 25 Gallons of Solvene. Default decree of condemnation. (F. & D. No. 41260. Sample No. 50584-C.)

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On December 27, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 gallons of Solvene

at Natchez, Miss.; alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Cincinnati, Ohio, by the Cino Chemical Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Cino Chemical Products Co., Cincinnati, Ohio."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for "Solvene, the perfect Non-Alcoholic Solvent for Extracts, Flavors, Essential Oils, and Compound Vanillas," which it purported to be.

Misbranding was alleged in that the statement, "Solvene, the Perfect Non-Alcoholic Solvent for Extracts, Flavors, Essential Oils, and Compound Vanillas," was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent; and in that it was offered for sale under the distinctive name of another article, namely, Solvene, a food-flavor solvent.

On May 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided by law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29171. Adulteration and misbranding of imitation vanilla flavor. U. S. v. 2 Jugs of Concentrated Imitation Vanilla. Default decree of condemnation and destruction. (F. & D. No. 41484. Sample No. 527-D.)

This product contained carbitol, a glycol or a glycol ether, or both, poisons.

On January 20, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two jugs of imitation vanilla flavor at Takoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 29, 1937, from San Francisco, Calif., by S. H. Tyler & Son; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that an article containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for concentrated imitation vanilla, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered it injurious to health.

Misbranding was alleged in that the name on the label, "Concentrated Imitation Vanilla," was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, "Concentrated Imitation Vanilla."

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29172. Misbranding and alleged adulteration of imitation butter flavor. U. S. v. 1 Jug of Imitation Butter Flavor. Default decree of condemnation and destruction. (F. & D. No. 41470. Sample No. 36788-C.)

This product contained diethylene glycol, a poison.

On January 19, 1938, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one jug of imitation butter flavor at Knoxville, Tenn.; alleging the article had been shipped in interstate commerce on or about November 6, 1937, from Baltimore, Md., by the C. M. Pitt & Sons Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Velvet * * * The C. M. Pitt and Sons Co., * * * Baltimore, Md."

It was alleged to be adulterated in that the substance diethylene glycol, a poison, had been substituted in whole or in part for imitation butter flavor No. 7, which the article purported to be; and in that it contained an added poisonous and deleterious ingredient which might have rendered it injurious to health, viz, 85 percent of diethylene glycol.

The article was alleged to be misbranded in that the statement on the label, "Imitation Butter Flavor No. 7," was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing 85 percent of diethylene glycol, a poison; and in that it was offered for sale under the distinctive name of another article, imitation butter flavor No. 7.

On June 29, 1938, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29173. Adulteration and misbranding of imitation flavors. U. S. v. 52 Bottles, et al., of Imitation Flavors. Default decree of condemnation and destruction. (F. & D. Nos. 41391 to 41398, incl. Sample Nos. 73055-C, 73057-C, 73058-C, 73060-C to 73064-C, incl.)

These products contained a glycol or a glycol ether, or both, poisons. In addition, one lot consisted of imitation lemon flavor that was not so labeled.

On January 17, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,331 bottles of imitation flavors at Mattoon, Ill., alleging that the articles had been shipped in interstate commerce on or about September 2, 1937, from Terre Haute, Ind., by Hulman & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Farmers Pride Brand or ["Crystal Brand"] * * * Put Up by Hulman & Co., Terre Haute, Ind."

They were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for food flavors, which they purported to be; and in that they contained an added poisonous ingredient, a glycol or a glycol ether, or both, poisons, which might have rendered them injurious to health.

Misbranding was alleged in that the following statements, "Strawberry Flavor," "Black Walnut Flavor," "Banana Flavor," "Cherry Flavor," "Raspberry Flavor," "Vanilla Composed of Vanilline and Coumarin, with Caramel Color," and "Lemon Flavor," borne on the labels of the respective products, were false and misleading and tended to deceive and mislead the purchaser when applied to food flavors containing poisons, and which in the case of the last-named was an imitation lemon flavor which was not labeled to show that it was an imitation.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29174. Misbranding of butter. U. S. v. Capitol Hill Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 40831. Sample No. 39836-C.)

This product was short weight.

On May 27, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Capitol Hill Creamery Co., a corporation, Denver, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 15, 1937, from the State of Colorado into the State of Wyoming of a quantity of butter that was misbranded. The article was labeled in part: "Capitol Hill Butter The Capitol Hill Creamery Co., Denver, Colo."

It was alleged to be misbranded in that the statement on the label, "One Pound," was false and misleading and was borne on the label so as to deceive and mislead the purchaser since it represented that each of the packages contained 1 pound of the article; whereas each of the packages did not contain 1 pound of the article but did contain a less amount.

On June 21, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29175. Adulteration and misbranding of imitation lemon flavor. U. S. v. 2 Bottles and 7 Bottles of Lemon Flavor Imitation. Default decree of condemnation and destruction. (F. & D. No. 41182. Sample No. 57527-C.)

This product contained a glycol or a glycol ether, or both, poisons.

On December 20, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of imitation lemon flavor at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about July 12, 1937, from Brooklyn, N. Y., by Standard Specialty Sales Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lemon Flavor Imitation * * * Packed for Modern Bakers Supply * * * Bridgeport, Conn."

Adulteration was alleged in that an article containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for imitation lemon flavor, a food flavor, which it purported to be.

It was alleged to be misbranded in that the statement "Lemon Flavoring Imitation" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, lemon flavor imitation, a food flavor.

On May 11, 1938, no claimant having appeared, a decree of condemnation was entered. On June 13, 1938, the decree was amended to order the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29176. Adulteration and misbranding of olive oil. U. S. v. 69 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 41316. Sample No. 65180-C.)

This product was represented to be pure olive oil, but consisted in part of oils such as cottonseed and sesame oils.

On January 4, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cans of alleged olive oil at Camp Dix, N. J.; alleging that the article had been shipped in interstate commerce on or about November 2, 1937, from New York, N. Y., by West Tea & Coffee Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "West's Monterey Brand California Edible Olive Oil E. R. West Packer New York."

The article was alleged to be adulterated in that oils other than olive oil, of the nature of cottonseed and sesame oils, had been mixed and packed with it so as to reduce its quality or strength and had been substituted wholly or in part for olive oil, which it purported to be; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Olive Oil" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not pure olive oil; and in that it was offered for sale under the distinctive name of another article, olive oil.

On February 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29177. Adulteration and misbranding of Glycol No. 7. U. S. v. 1 $\frac{3}{16}$ Gallons of Glycol No. 7. Default decree of condemnation and destruction. (F. & D. No. 41407. Sample No. 1801-D.)

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On January 12, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 $\frac{3}{16}$ gallons of Glycol No. 7 at San Antonio, Tex.; alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Cincinnati, Ohio, by Fries & Fries, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Glycol No. 7, Fries & Fries, Mfg. Chemists, Cincinnati, Ohio."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for glycol No. 7, a food-flavor solvent, which it purported to be.

Misbranding was alleged in that the statement "Glycol No. 7" was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent; and in that it was offered for sale under the distinctive name of another article, "Glycol No. 7," a food-flavor solvent.

On May 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29178. Adulteration and misbranding of Kalcovan. U. S. v. 1 Bottle of Kalcovan. Default decree of condemnation and destruction. (F. & D. No. 41630. Sample No. 7599-D.)

This product contained diethylene glycol, a poison.

On February 5, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one bottle of Kalcovan at

Shelton, Conn.; alleging that the article had been shipped in interstate commerce on or about October 7, 1937, from New York, N. Y., by I. Kalfus Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kalco Brand Kalco-Van * * * I. Kalfus Co., Inc. * * * New York, N. Y."

It was alleged to be adulterated in that an imitation vanilla flavor containing a poisonous substance, a glycol, had been substituted in whole or in part for Kalcovan, a food flavor which it purported to be; and in that it contained an added poison or deleterious ingredient, a glycol, which might have rendered it injurious to health.

Misbranding was alleged in that the statement "Composed of Vanillin Coumarin Glycerine Solvent, Carmel Color" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation vanilla flavor containing a glycol, a poison, and also in that it implied that glycerin was the only solvent, whereas the article contained a glycol, a poison; and in that it was an imitation of another article, vanilla flavor.

On June 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29179. Adulteration of vanilla, orange, and lemon flavors; misbranding of imitation maple flavor. *U. S. v. Certain Quantities of Flavorings. Default decree of condemnation and destruction.* (F. & D. Nos. 42156 to 42159, incl. Sample Nos. 12281-D, 12282-D, 12283-D, 12285-D.)

The label on one of these products, imitation maple flavor, bore no declaration of the benzoate of soda and artificial color contained in the article. The other products were artificially flavored and colored solutions simulating the appearance of vanilla, orange, and lemon flavors, but possessing about one-fourth the flavoring strength of such products.

On April 14, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42½ dozen bottles of assorted flavors at Albany, N. Y.; alleging that the articles had been shipped in interstate commerce on or about January 13 and March 16, 1938, from Boston, Mass., by the Outlet Merchandise Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Distributed by or [“Packed for”] Lane Products Co., Boston, Mass."

The vanilla, orange, and lemon flavors were alleged to be adulterated in that artificially flavored and colored solutions having only about one-fourth the flavoring strength of vanilla flavor, orange flavor, and lemon flavor, had been substituted in whole or in part for the articles.

The imitation maple flavor was alleged to be misbranded in that it was labeled or branded so as to deceive the purchaser, since the presence of added benzoate of soda and artificial color was not declared on the label.

On June 11, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a public charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29180. Adulteration of butter. *U. S. v. 5 Cases of Butter, et al. Decree of condemnation. Product released under bond for reworking.* (F. & D. No. 43026. Sample Nos. 27821-D, 27822-D.)

This product contained less than 80 percent of milk fat.

On June 24, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of butter at National Stockyards, Ill.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, from Marshfield, Mo., by the Sugar Creek Creamery Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On June 29, 1938, the Sugar Creek Creamery Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29181. Adulteration of crab meat. U. S. v. 1 Box and 1 Box of Crab Meat. Consent decree of condemnation and destruction. (F. & D. No. 43027. Sample No. 23776-D.)

Samples of this product were found to be filthy and decomposed.

On June 24, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two boxes of crab meat at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about June 21, 1938, from New Orleans, La., by Bougon's Oyster House; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 24, 1938, the consignee having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29182. Adulteration of maple sirup. U. S. v. 75 Drums of Maple Sirup (and 1 similar seizure action). Consent decree releasing the product under bond for deleading. (F. & D. Nos. 42329, 42330. Sample Nos. 12386-D, 12387-D.)

This product contained lead.

On May 18, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court 2 libels praying seizure and condemnation of 151 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from Croghan, N. Y., by John Martin; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, John Martin, Croghan, N. Y., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be subjected to a deleading process under the supervision of this Department, in order to eliminate the lead.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29183. Adulteration of dried peaches. U. S. v. 32 Boxes of Dried Peaches. Default decree of condemnation and destruction. (F. & D. No. 42242. Sample No. 23147-D.)

This product was infested with insects and was dirty.

On April 25, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 boxes of dried peaches at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about February 25, 1938, from San Francisco, Calif., by S. & W. Fine Foods, Inc.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29184. Adulteration of dried pears. U. S. v. 74 Cases of Dried Pears. Default decree ordering the product destroyed. (F. & D. No. 42197. Sample No. 3199-D.)

This product was infested with insects.

On April 18, 1938, the United States attorney for the Eastern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of dried pears at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from San Francisco, Calif., by Rosenberg Bros. & Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 22, 1938, no claimant having appeared, judgment by default was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29185. Adulteration of dried prunes. U. S. v. 978 Boxes of Dried Prunes. Consent decree releasing product under bond. (F. & D. No. 40610. Sample No. 63212-C.)

This product was in part decomposed.

On October 29, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 978 boxes of dried prunes at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about October 1, 5, 7, 8, and 9, 1937, from Ridgefield, Wash., by J. E. Deako; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 15, 1938, Rosenberg Bros. & Co., Portland, Oreg., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29186. Misbranding of canned peas. U. S. v. 588 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41686. Sample No. 2111-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 19, 1938, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 588 cases of canned peas at Sioux Falls, S. Dak.; alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Valders, Wis., by Valders Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cracker Jack Brand Wisconsin * * * Early Variety Peas * * * Valders Canning Co. Valders Wisconsin."

It was alleged to be misbranded in that it was substandard because the peas were not immature, since the alcohol-insoluble solids of the drained peas exceeded 23.5 percent, and the labels did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the contents were substandard.

On April 29, 1938, Valders Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29187. Adulteration of chocolate liquor in slabs. U. S. v. 36 Boxes of Chocolate Liquor. Default decree of condemnation and destruction. (F. & D. No. 42221. Sample No. 21015-D.)

This product was infested with insects.

On April 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of chocolate liquor in slabs; alleging that the article had been shipped in interstate commerce on or about June 3, 1937, by Walter Baker & Co., Inc., from Milton, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29188. Adulteration of Tostados (Mexican corn chips). U. S. v. 96½ Cases of Tostados. Default decree of destruction. (F. & D. No. 42238. Sample No. 19363-D.)

This product was rancid.

On April 22, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96½ cases of Tostados at St. Paul, Minn.; alleging that the article had been shipped in interstate commerce on or about April 17, 1937, from Brooklyn, N. Y., by the Tostados Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Tostados the Original Mexican Corn Chip * * * Tostados Corporation, Brooklyn, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 16, 1938, no claimant having appeared, judgment of default was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29189. Adulteration of dried prunes. U. S. v. 349 Bags of Dried Prunes. Consent decree releasing product under bond. (F. & D. No. 40630. Sample No. 63211-C.)

This produce was in part decomposed.

On November 3, 1937, the United States attorney for the Eastern District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 349 bags of dried prunes at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about October 14, 15, and 19, 1937, from Ridgefield, Wash., by M. J. O'Leary; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 15, 1938, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29190. Misbranding of canned cherries. U. S. v. 39 Cases of Pitted Cherries (and 2 similar seizure actions). Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 41972, 41973, 42236, 42237. Sample Nos. 5601-D, 5642-D, 5643-D, 5662-D.)

This product was substandard because of the presence of excessive pits or because of the presence of excessive packing medium, and it was not labeled to indicate that it was substandard.

On March 15 and 17 and May 2, 1938, the United States attorneys for the Eastern, Western, and Northern Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 131 cases of canned cherries in various lots at Clarksville, Graham, and Austin, Tex.; alleging that the article had been shipped in interstate commerce on various dates between August 20, 1937, and January 31, 1938, by Kuner-Empson Co., from Brighton, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kuner's * * * Pitted Cherries * * * Kuner Pickle Co. * * * Brighton, Colo."; or "Empson's * * * Pitted Cherries * * * The Empson Packing Co. * * * Brighton, Colo."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition or the standard of fill of container promulgated by the Secretary of Agriculture, since one lot contained excessive packing medium and the remaining lots contained more than one cherry pit per each 20 ounces of net contents, and its packages or labels did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 30 and June 7 and 14, 1938, Kuner-Empson Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29191. Misbranding of canned cherries. U. S. v. 26 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 42479. Sample No. 23059-D.)

This product fell below the standard established by this Department because it contained excess packing medium, and it was not labeled to indicate that it was substandard.

On May 27, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of canned cherries at Twin Falls, Idaho; alleging that the article had been shipped in interstate commerce on or about April 19, 1938, from Seattle, Wash., by the National Fruit Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brimfull Brand * * * Red Sour Cherries Packed by National Fruit Canning Co., Seattle."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since

it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29192. Adulteration of marshmallows. U. S. v. 77 Cases of Marshmallows. Default decree of condemnation and destruction. (F. & D. No. 42259. Sample No. 18706-D.)

This product contained small slivers of wood, insect fragments, and rodent hairs.

On April 27, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Los Angeles, Calif., by Wonderfood Marshmallow Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wonderfood Marshmallows * * * Wonderfood Marshmallow Co., Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29193. Misbranding of marshmallows. U. S. v. 100 Cases of Marshmallows. Consent decree of condemnation. Product released under bond for relabeling or repacking. (F. & D. No. 42503. Sample No. 19106-D.)

This product was short weight.

On June 2, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 13, 1938, from Los Angeles, Calif., by Doumak's Marshmallow Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Doumak's Snow-White Marshmallows * * * Doumak's Marshmallow Co., Los Angeles, Calif."

It was alleged to be misbranded in that the statement on the label, "Net Weight 16 Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 27, 1938, J. Doumaks, trading as Doumak's Marshmallow Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled, or repacked to the full weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29194. Adulteration and misbranding of peanut butter. U. S. v. 24 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42315. Sample No. 16350-D.)

This product contained insect fragments and was short weight.

On May 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about May 15, 1937, from Brundidge, Ala., by Southern Foods, Inc. (J. D. Johnston, Jr. Co.); and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunrayed Brand * * * Peanut Butter Packed By Southern Foods, Inc. Brundidge, Ala."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement on the label, "Contents 12 Oz.," was false and misleading and tended to deceive and mislead the pur-

chaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29195. Misbranding of butter. U. S. v. 63 Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 42493. Sample No. 27628-D.)

This product was short weight.

On or about May 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of butter at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, from Birmingham, Ala., by the Cloverleaf Butter Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cloverleaf Brand Process Butter Manufactured by Cloverleaf Butter Company."

It was alleged to be misbranded in that the statement on the label, "One Pound Net," was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29196. Adulteration and misbranding of butter. U. S. v. 99 Cartons of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 42932. Sample Nos. 23727-D, 23729-D.)

This product contained less than 80 percent of milk fat.

On May 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cartons of butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about May 4, 1938, from Dublin, Tex., by Dublin Creamery Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ol' Fashund Roll Finest Creamery Butter * * * Distributors Wilson & Co. * * * Chicago, Ill."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged in that the article was labeled butter, which was false and misleading since it contained less than 80 percent of milk fat.

On June 17, 1938, Dublin Creamery Co., Inc., Dublin, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29197. Adulteration and misbranding of butter cookies. U. S. v. 48 Boxes of Butter Cookies. Default decree of condemnation and destruction. (F. & D. No. 42398. Sample No. 14451-D.)

This product was represented to be butter cookies but contained little or no butter.

On May 16, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of butter cookies at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about April 21 and 22, 1938, from Boston, Mass., by Loose-Wiles Biscuit Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunshine Butter Cookies * * * Loose-Wiles Biscuit Company."

It was alleged to be adulterated in that a substance containing little or no butter had been substituted in whole or in part for the article, which purported to be a butter cookie.

Misbranding was alleged in that the statement "Butter Cookies" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no butter; and in that it was offered for sale under the distinctive name of another article, butter cookies.

On June 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On June 25, 1938, an amended decree was entered ordering the product distributed to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29198. Misbranding of white meat fish. U. S. v. 66 Cases of White Meat Fish. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42309. Sample No. 18711-D.)

The labeling of this product implied that it was tuna fish; whereas it was a species of fish known as yellowtail, which is not one of the tunas.

On May 5, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of white meat fish at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 6, 1938, from San Diego, Calif., by the Sun Harbor Packing Corporation; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Warranty Brand Choice of the Sea White Meat Fish * * * Packed by Sun Harbor Packing Corp. * * * San Diego, Calif. * * * White Meat of the Bonita or Yellowtail."

The article was alleged to be misbranded in that the prominent designation "White Meat Fish" on the main panel of the label was false and misleading and tended to deceive and mislead the purchaser when applied to yellowtail, since the term "White Meat" definitely implied to consumers that the article was white meat tuna, whereas yellowtail is not a tuna; and this statement was not corrected by the inconspicuous reference on the rear panel to "Bonita or Yellowtail."

On June 15, 1938, P. Fahey, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29199. Adulteration and misbranding of vanilla flavoring. U. S. v. 588 Bottles of Vanilla Flavoring. Product adjudged adulterated and misbranded and ordered destroyed. (F. & D. No. 42415. Sample No. 22503-D.)

This product contained a smaller amount of the soluble extractives of the vanilla bean than pure vanilla flavoring should contain. It was also short of the declared volume.

On May 18, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 588 bottles of vanilla flavoring at Terra Alta, W. Va.; alleging that the article had been shipped in interstate commerce on or about July 6, 1936, from Pittsburgh, Pa., by Pennex Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pennex Brand Pure Vanilla Flavoring * * * Manufactured and Distributed by Pennex Products Co. Incorporated, Pittsburgh, Pa."

It was alleged to be adulterated in that an article containing in 100 cubic centimeters the soluble matter from less than 10 grams of vanilla beans had been substituted wholly or in part for pure vanilla flavoring, which it purported to be.

Misbranding was alleged in that the statements on the carton and bottle, "Pure Vanilla Flavoring," and on the bottle, "Cont. 6 Dram," were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing in 100 cubic centimeters the soluble matter from less than 10 grams of vanilla beans, and when applied to an article that was short volume. Misbranding was alleged further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 29, 1938, no claimant having appeared, the product was adjudged adulterated and misbranded and was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29200. Adulteration of apples. U. S. v. 50 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40544. Sample No. 63035-C.)

This product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Greenville, Tex.; alleging that the article had been shipped in interstate commerce on or about October 6, 1937, by V. E. Nicholson from Springdale, Ark.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 9, 1937, V. E. Nicholson having admitted the ownership of the product and having petitioned that it be destroyed because it was unfit to be sold to the public and was fast decaying, judgment of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29201. Adulteration and misbranding of lemon mixer. U. S. v. 10 Cartons of Lemon Mixer. Default decree of condemnation and destruction. (F. & D. No. 41929. Sample No. 2732-D.)

This product, which simulated lemon juice in appearance, consisted in fact of sugar, citric acid, water, artificial color, and citrus-oil flavor, but contained little or no fruit juice.

On March 10, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of lemon mixer at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 18, 1938, from San Francisco, Calif., by Lyons-Magnus, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Lyons Handy Mix Lemon Mixer * * * The E. G. Lyons and Raas Co., San Francisco, California."

The article was alleged to be adulterated in that a substance consisting of sugar, citric acid, water, artificial color, and citrus-oil flavor with little or no fruit juice had been substituted in whole or in part for the article; and in that it had been mixed and packed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Lemon Mixer" was false and misleading and tended to deceive and mislead the purchaser when applied to an article consisting of the aforesaid substances; and in that it was an imitation of another article, lemon juice.

On July 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29202. Adulteration of butter. U. S. v. 25 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43002. Sample No. 18032-D.)

This product contained less than 80 percent of milk fat.

On June 17, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 10 and 11, 1938, by the Mutual Creamery Co., from Butte, Mont.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On June 23, 1938, Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of until it had been brought into compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29203. Adulteration of crab apples. U. S. v. 50 Bushels of Hyslop Crab Apples.
Default decree of condemnation and destruction. (F. & D. No. 42128.
 Sample No. 59437-C.)

This product was contaminated with arsenic and lead.

On or about October 5, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of crab apples at Peoria, Ill.; alleging that on or about September 26, 1937, the Handler Produce Co. transported the article from Benton Harbor, Mich., to itself at Peoria, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Erwin Weber No. 2 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29204. Adulteration of shell eggs. U. S. v. 3 1/2 Cases and 1/2 Case of Shell Eggs
(and 1 other seizure action). Default decrees of destruction. (F. &
 D. Nos. 42884, 42901. Sample Nos. 18024-D, 18213-D.)

This product contained blood spots and was decomposed.

On June 2 and 7, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court two libels (the former subsequently amended) praying seizure and condemnation of nine cases of shell eggs at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 21 and May 28, 1938, by Idaho Egg Producers from Caldwell, Idaho; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Animal Food Only Not Fit For Human Consumption." The remainder was labeled: "Spots Not Fit For Human Food From Idaho Egg Producers."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 21 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29205. Adulteration of butter. U. S. v. 14 Cases of Butter. Consent decree of
condemnation. Product released under bond to be reworked. (F. &
 D. No. 43045. Sample No. 12113-D.)

This product contained less than 80 percent of milk fat.

On July 1, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 23, 1938, by Farmers' Cooperative Creamery & Produce Co., from Grantsburg, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On July 13, 1938, Farmers' Cooperative Creamery & Produce Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29206. Adulteration of butter. U. S. v. 55 Tubs of Butter. Consent decree of
condemnation. Product released under bond to be reworked. (F. & D.
 No. 43145. Sample No. 31409-D.)

This product contained less than 80 percent of milk fat.

On July 5, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 tubs of butter at Elmira, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 20, 1938, by the Minnesota Creamery Co., from St. Paul, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which

should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On July 27, 1938, the Minnesota Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29207. Adulteration of butter. U. S. v. 8 Boxes of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 43144. Sample Nos. 26129-D, 26130-D.)

This product contained less than 80 percent of milk fat.

On July 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight boxes of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 1, 1938, by the Fairmount Creamery from Moorhead, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29208. Adulteration of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 42931. Sample No. 21248-D.)

This product contained less than 80 percent of milk fat.

On May 25, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 17, 1938, by Farmers Creamery & Butter Co., from Dunkerton, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent milk fat as provided by the act of March 4, 1923.

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29209. Adulteration of butter. U. S. v. 1 Drum (203 Pounds) of Butter. Default decree of condemnation and destruction. (F. & D. No. 43003. Sample No. 29061-D.)

This product was decomposed and contained insects, rodent hairs, and mold.

On June 21, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 drum, containing 203 pounds of butter, at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about June 17, 1938, from Seneca and Central, S. C., by Rosemary Creamery, Inc.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 24, 1938, Rosemary Creamery, Inc., owner, having consented to its destruction, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29210. Adulteration and misbranding of table syrup. U. S. v. 46 Cans of Sirup. Default decree of condemnation and destruction. (F. & D. No. 42937. Sample Nos. 21232-D, 21519-D, 25380-D.)

This product was decomposed and contained undeclared salt. It was also short of the declared volume.

On June 20, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cans of sirup at New York, N. Y.; alleging that the article had been shipped in interstate com-

merce on or about April 18, 1938, by Nectar Syrup Co., from New York, N. Y., to Detroit, Mich., and that it had been reshipped by the consignee on or about May 25, 1938, to the Nectar Syrup Co., New York, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nectar Brand Table Syrup * * * Manufactured by Nectar Syrup Co., New York, N. Y. Contents One Gallon Net."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "Contents One Gallon Net" was false and misleading and tended to deceive and mislead the purchaser since it was short volume; in that it was labeled so as to deceive and mislead the purchaser since it contained salt, the presence of which was not declared on the label; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29211. Adulteration of canned tomato puree. U. S. v. 356 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 42256. Sample No. 21421-D.)

This product contained excessive mold.

On April 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 356 cases of tomato puree at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 2, 1938, by Swayzee Canning Co., from Swayzee, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hiatt Brand Tomato Puree. Packed by the Swayzee Canning Co., Incorporated, Swayzee Ind."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed and filthy vegetable substance.

On July 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29212. Adulteration and canned frozen eggs. U. S. v. 32 Cans of Frozen Eggs. Default decree of destruction. (F. & D. No. 42918. Sample No. 18140-D.)

This product was in whole or in part decomposed.

On June 15, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cans of frozen eggs at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 6, 1938, from Lewistown, Mont., by Fergus County Creamery; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29213. Adulteration of whitefish. U. S. v. 15 Boxes of Fish. Default decree of condemnation and destruction. (F. & D. No. 43058. Sample No. 30058-D.)

This product was infested with parasitic worms.

On July 18, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of fish at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 11, 1938, by Main Fish Co. from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Main Fish Co., Ltd. * * * Montreal, Que."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29214. Adulteration of candy. U. S. v. 14 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42338. Sample No. 22309-D.)

This product was insect-infested.

On May 16, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 25, 1938, by Voor & Co., from Paducah, Ky.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Hollywood Candy Co. Los Angeles Minneapolis New York."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29215. Adulteration of crab meat. U. S. v. 97 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43075. Sample No. 34036-D.)

This product contained evidence of the presence of filth.

On July 9, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cans of crab meat at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, from Crocheron, Md., by Crocheron Bros. Packing Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29216. Adulteration of crab meat. U. S. v. 15 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43060. Sample No. 34035-D.)

This product contained evidence of the presence of filth.

On July 8, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 pounds of crab meat at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 6, 1938, by W. C. Larrimore from St. Michaels, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29217. Adulteration of crab meat. U. S. v. 172 Pounds and 72 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43005. Sample No. 23858-D.)

This product contained evidence of the presence of filth.

On June 24, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 244 pounds of crab meat at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about June 21, 1938, by C. F. Gollott Seafood Co. from Biloxi, Miss.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29218. Adulteration of crab meat. U. S. v. 397, 135, and 65 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43004. Sample No. 23778-D.)

This product contained evidence of the presence of filth.

On June 24, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 597 pounds of crab meat at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about June 21, 1938, by Paul Zibilich Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29219. Adulteration of frozen eggs. U. S. v. 1,249 Cans of Frozen Eggs. Decree of condemnation. Product released under bond. (F. & D. No. 42936. Sample No. 18153-D.)

This product was in part decomposed.

On June 16, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,249 cans of frozen eggs at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about May 25, 1938, by Fort Worth Poultry & Egg Co. from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On July 21, 1938, Fort Worth Poultry & Egg Co., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released to claimant under bond conditioned that it be made to conform to the provisions of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29220. Adulteration of butter. U. S. v. 131 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43067. Sample No. 12115-D.)

This product contained less than 80 percent of milk fat.

On July 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 21, 1938, by Scotland Creamery Co. from Scotland, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On July 19, 1938, Zenith-Godley Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked, so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29221. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43179. Sample Nos. 12114-D, 19473-D.)

This product contained less than 89 percent of milk fat.

On July 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 20, 1938, by Langdon Creamery from Langdon, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On July 19, 1938, Langdon Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29222. Adulteration and misbranding of confections. U. S. v. 10 Boxes of Toasti-Macs, et al. (F. & D. Nos. 42371, 42372, 42373. Sample Nos. 22311-D, 22312-D, 22313-D.)

One of these lots of confections was adulterated because of insect infestation. All four lots were misbranded, three because the net weight of the article was less than that declared, and the fourth because the declaration of weight was a gross understatement.

On May 17, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of confections at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about October 28, 1937, by Battle Creek Biscuit Co. from Battle Creek, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Two of the products were labeled: "Toasti-Macs * * * Net Weight over 2 ounces"; "Vita Peanut Logs * * * 40 Grams or over Net Weight." The other product was of two sizes, both labeled: "Battle Creek Vita Crisp * * * Net Wt. 40 grams or over."

The Peanut Logs were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

All the articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight, with the exception of the larger-sized packages of Vita Crisp Wafers, which were in excess of the declared weight: "Net Weight over 2 Ounces"; "40 Grams or over Net Weight"; "Net Wt. 40 Grams or over." They were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29223. Misbranding of flour. U. S. v. 370 Sacks of Cake Flour. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42991. Sample No. 21156-D.)

This product was bleached and its label failed to bear a clear statement indicating that it was bleached flour.

On June 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 370 sacks of flour at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 9, 1938, by Voigt Milling Co. from Grand Rapids, Mich.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Royal Fluff Eat A Cake Flour * * * Voigt Milling Co. Grand Rapids, Mich. Matured with betachlora-Bleached."

It was alleged to be misbranded in that the prominent designation "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled or branded so as to deceive and mislead the purchaser since the label failed to bear a clear statement indicating that it was bleached, the inconspicuous declaration in type of a very light straw color placed at bottom of sack not correcting the misleading impression.

On July 9, 1938, Bemis Bag Co., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29224. Adulteration of flour. U. S. v. 3,500 Sacks of Flour. Consent decree of condemnation. Product released under bond to be disposed of for purposes other than as human food. (F. & D. No. 40897. Sample No. 44284-C.)

This product was weevil-infested.

On November 27, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,500 sacks of flour at Panama City, Fla.; alleging that the article had been shipped in interstate commerce on or about June 30, 1937, by Western Milling Co. from Pendleton, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Western Milling Co., Pendleton, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On March 14, 1938, Indiana Flour Co., Inc., Dothan, Ala., claimant, having admitted that the product was adulterated and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29225. Adulteration and misbranding of butter. U. S. v. 5 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 41914. Sample No. 1869-D.)

This product contained less than 80 percent by weight of milk fat.

On February 23, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five boxes, containing approximately 60 pounds of butter, at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about February 11, 1938, by the Lakota Farmers Cooperative Creamery Co. from Centerville, S. Dak.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by act of March 4, 1923, which the article purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it should contain not less than 80 percent by weight of milk fat.

On June 23, 1938, no claimant appearing, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29226. Adulteration of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 43143. Sample No. 26128-D.)

This product contained less than 80 percent of milk fat.

On July 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 18, 1938, by Lakota Creamery from Lakota, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29227. Adulteration of candy. U. S. v. 49 Cartons of Chocolate Bars. Default decree of condemnation and destruction. (F. & D. No. 42961. Sample Nos. 9183-D, 16245-D.)

This product was weevil-infested.

On or about June 23, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate

commerce on or about December 15, 1937, by Chase Candy Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chase Candy Co., St. Joseph, Mo."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29228. Adulteration and misbranding of whitefish caviar. U. S. v. 23 Jars, 22 Jars, and 32 Jars of White Fish Caviar. Default decree of destruction. (F. & D. No. 42448. Sample Nos. 9812-D, 9813-D, 9814-D.)

This product contained parasitic worms and fish scales; and that contained in the 16-ounce jars was short weight.

On May 24, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 various sized jars of whitefish caviar at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce in various shipments on or about July 19, 1934, January 30, and June 11, 1935, by Heller Bros. Importing Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar Vita Brand, Net Weight 16 Oz. [or "4 Oz." or "1 Oz."]." A portion was labeled further: "Packed by Vita Fish Preserving Works, New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

One lot was alleged to be misbranded in that the statement "Net Weight 16 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29229. Adulteration and misbranding of ice cream cones. U. S. v. 333 Cans of Ice Cream Cones. Default decree of condemnation and destruction. (F. & D. No. 42380. Sample No. 13779-D.)

This product contained saccharin in an amount which might have rendered it injurious to health.

On May 13, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 cans of ice cream cones at New London, Conn.; alleging that the article had been shipped in interstate commerce on or about April 9, 1938, by U. S. Baking Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mfd. by Original Sweet Baking Co. Brooklyn, N. Y."

It was alleged to be adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and in that saccharin and sugar in the place of sugar had been substituted in whole or in part for the article; and in that it contained an added deleterious ingredient, saccharin, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statements on the label, "For Purity and Quality demand the New Sweet Cones We Guarantee These Cones to be Made of Finest Patent Flour and to Contain a High Percentage of Sugar," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained saccharin.

On July 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29230. Misbranding of canned corn. U. S. v. 42 Cases of Corn. Default decree of destruction. (F. & D. No. 42895. Sample No. 22326-D.)

This product was field corn but was not labeled to indicate that fact.

On June 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 42 cases of canned corn at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 12, 1937, by Columbus Foods Corporation from Evansville, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand Golden Wisconsin Corn * * * Packed by Garden Canning Company Evansville, Wis."

The article was alleged to be misbranded in that the statement "Corn," unqualified, was false and misleading and tended to deceive and mislead the purchaser when applied to field corn and not sweet corn, which it purported to be.

On July 11, 1938, no claimant having appeared, the court ordered the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29231. Misbranding of olive oil. U. S. v. 9 Cans and 19 Cans of Olive Oil. Default decrees of condemnation. Product delivered to charitable institution. (F. & D. Nos. 40965, 40966. Sample Nos. 45223-C, 45224-C.)

This product was short of the declared volume.

On December 6, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court 2 libels praying seizure and condemnation of 28 cans of olive oil at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Roseville, Calif., by Angelo Orsi Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Orsi [or "Angelo"] Brand Pure Olive Oil Manufactured and Packed by Angelo Orsi Company * * * Roseville, Calif."

It was alleged to be misbranded in that the statement "Net contents One Gallon" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29232. Adulteration of tomato catsup. U. S. v. Farm King Packing Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 42511. Sample Nos. 62070-C, 9509-D.)

This product contained excessive mold.

On June 13, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farm King Packing Corporation, Fredonia, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 13, September 23, and November 18, 1937, from the State of New York into the State of Pennsylvania of quantities of tomato catsup that was adulterated. The article was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc." or "Pomeco Tomato Catsup Distributed by Potter McCune Co., McKeesport, Pa. Monessen, Pa. Pittsburgh, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, moldy tomato catsup.

On July 12, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29233. Misbranding of canned peas. U. S. v. Phillips Sales Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 39760. Sample No. 13695-C.)

This product fell below the standard established by this Department, because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Phillips Sales Co., a corporation, Cambridge, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 28, 1936, from the State of Maryland into the State of Louisiana of a quantity of canned peas that were misbranded. The article was labeled in part: "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. * * * Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 20, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29234. Misbranding of canned peas. U. S. v. Phillips Packing Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 39724. Sample Nos. 17934-C, 35240-C, 35241-C.)

This product fell below the standard of quality and condition established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Phillips Packing Co., a corporation, Cambridge, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 22, 1936, January 2, 1937, and February 8, 1937, from the State of Maryland into the States of Pennsylvania and New York of quantities of canned peas that were misbranded. The article was labeled in part: "Phillips * * * Early June Peas Packed by Phillips Packing Co. Inc. Cambridge, Md.;" or "Choctank Brand Early June Peas Phillips Sales Co. Inc. Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain or conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 20, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29235. Adulteration of grapefruit. U. S. v. Leo Terkanian, alias Leo Tucker. Plea of not guilty. Tried to the court and a jury. Verdict of guilty. Fine, \$200. (F. & D. No. 42517. Sample No. 9603-C.)

This product had been damaged by drying.

On June 4, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leo Terkanian, alias Leo Tucker, at Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 12, 1937, from the State of Arizona into the State of California, of a quantity of grapefruit which was adulterated. The article was labeled in part: "Arizona Grapefruit Desert Star Brand Southwest Fruit Growers, Inc. Phoenix, Arizona."

The article was alleged to be adulterated in that grapefruit which had been damaged and rendered inedible by drying had been substituted wholly or in part for edible grapefruit which the article purported to be; and in that a valuable constituent of the article, juice, had been in part extracted therefrom; and in that the article consisted in whole or in part of a decomposed vegetable substance.

A plea of not guilty having been filed by the defendant, the case came home for trial before the court and a jury. At the conclusion of testimony the jury returned a verdict of guilty and on July 15, 1938, the court sentenced the defendant to pay a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29236. Adulteration and misbranding of vanilla extract. U. S. v. 1 Gallon Jug of Vanilla Extract. Default decree of condemnation and destruction. (F. & D. No. 41178. Sample No. 65636-C.)

This product contained diethylene glycol, a poison.

On December 20, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one jug of vanilla extract at Steubenville, Ohio; alleging that the article had been shipped in interstate commerce on or about November 17, 1937, from Pittsburgh, Pa., by Stamoolis & Afentis; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "S & A Brand Vanella Extract

Manufactured by Stamoolis & Afentis * * * Pittsburgh Pa * * * New York."

It was alleged to be adulterated in that an article containing a glycol, a poison, had been substituted in whole or in part for vanilla extract, a food flavor.

Misbranding was alleged in that the statement "Vanella Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol, a poison; and in that it was offered for sale under the distinctive name of another article, vanilla extract, a food flavor.

On March 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29237. Misbranding of potatoes. U. S. v. 800 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41661. Sample No. 16803-D.)

This product fell below the grade declared on the label because of damage by net necrosis.

On February 9, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 sacks of potatoes at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about January 31, 1938, from Bangor, Maine, by W. H. Martin; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was below U. S. grade No. 1.

On February 12, 1938, W. H. Martin, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29238. Misbranding of canned cherries. U. S. v. 89 Cases of Canned Cherries. Consent decree entered. Product released under bond for relabeling. (F. & D. No. 42403. Sample No. 23032-D.)

This product fell below the standard established by this Department because there was present more than one pit per each 20 ounces of contents and because of excessive packing medium, and it was not labeled to indicate that it was substandard.

On May 17, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of canned cherries at Moscow, Idaho; alleging that the article had been shipped in interstate commerce on or about March 4, 1938, from Portland, Oreg., by Columbia Van & Storage Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Porto Standard Fruit In Water Red Sour Pitted Cherries Packed for Mason Ehrman and Co. Main Office Portland Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture, since the fruit was not pitted—more than one cherry pit for each 20 ounces of net contents being present, and since it contained excess packing medium; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 9, 1938, Mason Ehrman & Co., Moscow, Idaho, claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29239. Adulteration and misbranding of egg noodles. U. S. v. 57 Cases of Noodles. Default decree of destruction. (F. & D. No. 42506. Sample No. 23055-D.)

This product was deficient in egg and contained soybean flour and artificial color.

On June 7, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 cases of noodles at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about

March 28 and April 19, 1938, from Seattle, Wash., by Tsue Chong Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rose Brand Fresh Egg Noodles * * * Manufactured by Tsue Chong Company * * * Seattle Wash."

It was alleged to be adulterated in that an artificially colored product deficient in egg and containing soybean flour had been substituted wholly or in part for egg noodles, which it purported to be; and in that it was colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in egg and containing soybean flour and artificial color.

On July 7, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29240. Misbranding of canned apricots. U. S. v. 50 Cases of Apricots. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42471. Sample No. 23335-D.)

This product fell below the standard for canned apricots because of excessive crushed and soft pieces, and it was not labeled to indicate that it was substandard.

On May 25, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned apricots at Tacoma, Wash.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from San Francisco, Calif., by the F. G. Wool Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Crest Brand Compote California Apricots * * * Napa Canning Company * * * San Francisco, Cal."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained excessive crushed and soft pieces and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 1, 1938, Alaska Distributors, Inc., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29241. Adulteration of candy. U. S. v. 6 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42464. Sample No. 14459-D.)

This product consisted of candy filled with ground peanuts. Examination showed that the filling was insect-infested.

On June 3, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of candy at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about January 30, 1938, by the M. G. Shaghalian Co., from Providence, R. I., to Fall River, Mass., and had been returned to Providence, R. I., by the consignee on or about May 17, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peach Buds Made by M. G. Shaghalian Co., Providence, R. I."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29242. Adulteration of canned cherries. U. S. v. 430 Cases of Cherries. Default decree of destruction. (F. & D. No. 42314. Sample No. 22836-D.)

Samples of this product were found to contain worms.

On May 25, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 430 cases of canned

cherries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about April 25, 1938, by the Ray-Maling Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Raycrest Royal Anne Cherries * * * Distributed by Ray-Maling Co. Inc. Kitchens Hillsboro Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29243. Adulteration of walnut dust. U. S. v. 1 Drum of Walnut Dust. Default decree of destruction. (F. & D. No. 42964. Sample No. 29748-D.)

This product was insect-infested.

On June 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum, containing 100 pounds of walnut dust, at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about June 10, 1938, by Allied Fruit & Extract Co., Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnut Dust Packed by Allied Fruit & Extract Co. Inc. New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29244. Adulteration of pecan meats. U. S. v. 12 Cartons and 1 Carton of Pecan Meats. Default decree of destruction. (F. & D. No. 42462. Sample No. 18663-D.)

This product contained filth, insect fragments, and hair.

On May 24, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cartons of pecan meats at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, by E. M. Zerr & Co. from San Antonio, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29245. Adulteration of canned huckleberries. U. S. v. 11 1/2 Dozen Cans of Huckleberries. Default decree of destruction. (F. & D. No. 42965. Sample No. 13569-D.)

This product was infested with maggots.

On June 23, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 1/2 dozen cans of huckleberries at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 26, 1937, by Land O' The Sky Mutual Association, Inc., from Waynesville, N. C.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29246. Adulteration of flour. U. S. v. 144 Sacks of Flour. Consent decree of condemnation. Product released under bond to be reworked for animal consumption. (F. & D. No. 43043. Sample No. 28972-D.)

This product contained insects and insect excreta.

On July 12, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the dis-

trict court a libel praying seizure and condemnation of 144 sacks of flour at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about January 18, 1937, by Washburn Crosby Co., from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: White Flyer Flour * * * Washburn Crosby General Mills, Inc. Minneapolis, Minnesota."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 29, 1938, Atlanta Milling Co., Inc., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29247. Adulteration of apples. U. S. v. 42 Bushels of Apples. Default decree of destruction. (F. & D. No. 42486. Sample No. 18679-D.)

This product was contaminated with arsenic and lead.

On May 16, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 bushels of apples at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about May 7, 1938, by J. M. Jorgensen from Boise, Idaho; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29248. Adulteration of pancake sirup. U. S. v. 97 Cases of Pancake Sirup. Default decree of condemnation and destruction. (F. & D. Nos. 42482, 42483. Sample Nos. 10628-D, 10629-D.)

This product was moldy and decomposed.

On May 28, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cases of pancake sirup at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about January 20, 1937, from New York, N. Y., by Nectar Syrup Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Montco Pancake Syrup * * * Wm. Montgomery Co. Distributors, Philadelphia, Pa."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29249. Misbranding of cake flour. U. S. v. 37 Cases and 25 Cases of Cake Flour. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42999, 43000. Sample Nos. 24652-D, 24653-D.)

This product was bleached flour and its label failed to bear a conspicuous declaration of that fact, since the word "Bleached" was printed on the bottom of the package.

On June 30, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 62 cases, each containing a number of packages of cake flour, at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about May 25 and June 8, 1938, from Alton, Ill., by Stanard Tilton Milling Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package, main panel) "Stanard's Royal Patent Cake Flour * * * Stanard Tilton Milling Co. St. Louis—Alton—Dallas"; (package, bottom) "Stanard Royal Patent Cake Flour Bleached."

The article was alleged to be misbranded in that the prominent designation "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled so as to deceive and mislead the purchaser, since the label failed to bear a clear state-

ment indicating that the flour was bleached and the inconspicuous declaration printed on the bottom of the package did not correct the misleading impression.

On July 7, 1938, Stanard Tilton Milling Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29250. Adulteration of frozen turkeys. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 40805. Sample No. 54898-C.)

This product was decomposed. In addition, a portion of it was rat-eaten and was contaminated with rat excreta.

On May 2, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading at Fall River, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 18, 1937, from the State of Massachusetts into the State of Rhode Island, of a quantity of frozen turkeys that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 25, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 29051-29250

| | | | |
|---|--------------|--|-----------|
| Alcohol substitutes— | N. J. No. | Candy—Continued. | N. J. No. |
| in flavors: | | chocolate: | |
| butter: | | Bonomo Candy & Nut Corpora- | 29101 |
| Pitt, C. M., & Sons Co----- | 29172 | tion----- | 29101 |
| cream soda flavor: | | Brevard Chocolate Co----- | 29101 |
| Conron & Co----- | 29065 | Rockwood & Co----- | 29102 |
| Kalcovan: | | beans: | |
| Kalfus, I., Co----- | 29178 | Glander, Alfred----- | 29070 |
| lemon: | | Monarch Candy Co----- | 29070 |
| Modern Bakers Supply----- | 29175 | marshmallows: | |
| Southern Chemical Co----- | 29051 | Dounak's Marshmallow Co----- | 29193 |
| Spartan Products Corporation----- | 29057 | Wonderfood Marshmallow Co----- | 29192 |
| Standard Specialty Sales Co----- | 29175 | Caviar whitefish. <i>See</i> Fish and shell- | |
| strawberry, etc.: | | fish. | |
| Hulman & Co----- | 29173 | whitefish. | |
| vanilla: | | <i>Cheese. See</i> Dairy products. | |
| Kalfus, I., Co----- | 29178 | <i>Cherries, canned:</i> | |
| Pennex Products Co----- | 29190 | Columbia Van & Storage Co----- | 29238 |
| Stamoolis & Afentis----- | 29236 | Empson Packing Co----- | 29190 |
| Tyler, S. H., & Son----- | 29171 | Food Associates, Inc----- | 29153 |
| vanilla, etc.: | | Haas, Baruch & Co----- | 29153 |
| Outlet Merchandise Co----- | 29179 | Haserot Co----- | 29078 |
| solvents: | | Kuner-Empson Co----- | 29190 |
| Glycol No. 7: | | Kuner Pickle Co----- | 29190 |
| Fries & Fries, Inc----- | 29177 | Mason, Ehrman & Co----- | 29238 |
| Solvene: | | National Fruit Canning Co----- | 29191 |
| Cino Chemical Products Co----- | 29170 | Phillips-Lewis Co., Inc----- | 29111 |
| Almonds. <i>See</i> Nuts. | | Ray-Maling Co----- | 29242 |
| Apple butter. <i>See</i> Preserves, jams, | | Sprague, Warner & Co----- | 29078 |
| and jellies, fruit butters. | | Varney Canning, Inc----- | 29110 |
| Apples— | | Walla Walla Canning Co----- | 29111 |
| Jorgensen, J. M----- | 29247 | <i>Chocolate coating:</i> | |
| Nicholson, V. E----- | 29200 | Rockwood & Co----- | 29102 |
| crab: | | <i>Liquor in slabs:</i> | |
| Handler Produce Co----- | 29203 | Baker, Walter, & Co., Inc----- | 29187 |
| Weber, Erwin----- | 29203 | <i>Clams. See</i> Fish and shellfish. | |
| Apricots, canned: | | <i>Cookies, butter:</i> | |
| Golden State Canneries----- | 29077 | Loose-Wiles Biscuit Co----- | 29197 |
| International Brokerage Co----- | 29131 | <i>Corn, canned:</i> | |
| Maynard, F. J----- | 29131 | Columbus Foods Corporation----- | 29230 |
| Napa Canning Co----- | 29077, 29240 | Garden Canning Co----- | 29230 |
| Olson, H. D., & Sons----- | 29109 | Underwriters Salvage Co----- | 29150 |
| Pacific Fruit & Produce Co----- | 29109 | <i>chips—</i> | |
| Wool, F. G., Packing Co----- | 29077, 29240 | <i>Tostados:</i> | |
| Beans, wax, canned: | | Tostados Corporation----- | 29188 |
| Blytheville Canning Co----- | 29076 | <i>ground ear. See</i> Feed. | |
| Pearson, C. A., Inc----- | 29076 | <i>Cottonseed cake and screenings. See</i> | |
| Beverages and beverage bases— | | <i>Feed, cottonseed products.</i> | |
| gin: | | <i>Crab apples. See</i> Apples. | |
| Fisher, E. P----- | 29136 | <i>meat. See</i> Fish and shellfish. | |
| Smith, A. C----- | 29136 | <i>Dairy products—</i> | |
| grapefruit juice: | | <i>butter:</i> | |
| Christensen Products Corpora- | | American Creamery & Dairy | |
| tion----- | 29122 | Co----- | 29095 |
| lemon cocktail mixers: | | American Dairy Co----- | 29005 |
| Lyons, E. G., & Raas Co----- | 29201 | Archer Produce Co----- | 29097 |
| Lyons-Magnus, Inc----- | 29201 | Barre Mills Cooperative Cream- | |
| Sky-Scraper Products Co----- | 29051 | ery----- | 29062 |
| lime cocktail mixers: | | Capitol Hill Creamery Co----- | 29174 |
| Sky-Scraper Products Co----- | 29051 | Cloverleaf Butter Co----- | 29195 |
| whisky: | | Craig County Milk Producers | |
| Fisher, E. P----- | 29136 | Cooperative Association----- | 29093 |
| Smith, A. C----- | 29136 | Cudahy Packing Co----- | 29143 |
| Blueberries, canned: | | Dublin Creamery Co., Inc----- | 29196 |
| Sargentville Packing Co----- | 29113 | Fairmount Creamery----- | 29207 |
| Butter. <i>See</i> Dairy products. | | Farmers' Cooperative Cream- | |
| flavor. <i>See</i> Alcohol substitutes in | | ery & Produce Co----- | 29205 |
| flavors. | | Farmers Creamery & Butter | |
| Candy— | | Co----- | 29208 |
| Ambrosia Candy Co----- | 29154 | Fonda Creamery----- | 29063 |
| Battle Creek Biscuit Co----- | 29222 | Georgia Packing Co----- | 29139 |
| Chase Candy Co----- | 29227 | Hunter Packing Co----- | 29161 |
| Hollywood Candy Co----- | 29214 | Jayhawk Cooperative Cream- | |
| Martha Washington Candies | | ery Association----- | 29064 |
| Co----- | 29168 | Kent Dairy Products Corpora- | |
| Queen Anne Candy Co----- | 29106 | tion, Inc----- | 29143 |
| Shaghalian, M. G., Co----- | 29241 | Lakota Creamery----- | 29226 |
| Voor & Co----- | 29214 | | |

| | | | |
|---|-----------|---|-----------------|
| Dairy products—Continued. | N. J. No. | Fish and shellfish—Continued. | N. J. No. |
| butter—continued. | | whitefish caviar—continued. | 29151, 29228 |
| Lakota Farmers Cooperative Creamery Co. | 29225 | Vita Fish Preserving Works | 29151 |
| Langdon Creamery | 29221 | Vita Food Products, Inc. | 29151 |
| Merchants Dairy Co. | 29091 | Flavors— | |
| Minnesota Creamery Co. | 29206 | lemon: | |
| Morrell, John, & Co. | 29138 | Hulman & Co. | 29173 |
| Mutual Creamery Co. | 29202 | Lane Products Co. | 29179 |
| Pruitt, H. A. | 29104 | Outlet Merchandise Co. | 29067 |
| Pruitt Produce Co. | 29104 | orange: | |
| Rising Sun Creamery Co. | 29094 | Lane Products Co. | 29179 |
| Rock Falls Cooperative Creamery Co. | 29080 | Outlet Merchandise Co. | 29067 |
| Rosemary Creamery, Inc. | 29209 | vanilla: | |
| Scotland Creamery Co. | 29220 | Lane Products Co. | 29179 |
| Sugar Creek Creamery Co. | 29180 | Outlet Merchandise Co. | 29067 |
| Sweet Grass County Creamery | 29146 | Pennex Products Co. | 29199 |
| Swift & Co. | 29157 | Williams, R. C., & Co., Inc. | 29130 |
| Talbot-Woods & Kelly Butter Co., Inc. | 29100 | <i>See also</i> Alcohol substitutes in flavors. | |
| Trower, R. G. | 29146 | Flour: | |
| Wilson & Co. | 29196 | Voigt Milling Co. | 29223 |
| cheese: | | Washburn Crosby Co. | 29246 |
| Georgia Packing Co. | 29139 | Western Milling Co. | 29224 |
| Radloff, M. P. E. | 29133 | cake: | |
| Roquefort: | | Standard Tilton Milling Co. | 29249 |
| Faehndrich, Wm., Inc. | 29066 | Fruit butters. <i>See</i> Preserves, jams, and jellies. | |
| milk powder: | | Gin. <i>See</i> Beverages and beverage bases. | |
| Cass Clay Cooperative Creamery | 29087 | Glycols. <i>See</i> Alcohol substitutes, solvents. | |
| Fargo Food & Equipment Co. | 29087 | Grapefruit: | |
| Northwestern Supply Co. | 29087 | Southwest Fruit Growers, Inc. | 29235 |
| Egg(s)— | | Teekanian, Leo. | 29235 |
| Idaho Egg Producers | 29204 | Tucker, Leo. | 29235 |
| albumen, dried: | | juice. <i>See</i> Beverages and beverage bases. | |
| Commercial Creamery Co. | 29159 | Huckleberries, canned: | |
| frozen: | | Land O'The Sky Mutual Association, Inc. | 29245 |
| Fergus County Creamery | 29212 | Ice cream cones: | |
| Fort Worth Poultry & Egg Co. | 29219 | Original Sweet Baking Co. | 29226 |
| Pruitt, H. A. | 29104 | U. S. Baking Co. | 29229 |
| Pruitt Produce Co. | 29104 | Jam. <i>See</i> Preserves, jams, and jellies: preserves and jams. | |
| Emulsol-M: | | Kalcovan. <i>See</i> Alcohol substitutes in flavors. | |
| Emulsol Corporation | 29083 | Lemon cocktail mixers. <i>See</i> Beverages and beverage bases. | |
| yolks, frozen: | | flavor. <i>See</i> Alcohol substitutes in flavors. | |
| Frigid Food Products, Inc. | 29112 | Lime cocktail mixers. <i>See</i> Beverages and beverage bases. | |
| Emulsol-M. <i>See</i> Eggs, frozen. | | Macaroni products— | |
| Feed— | | Mission Macaroni Manufacturing Co. | 29166 |
| corn, ground ear: | | noodles: | |
| Gibbons, J. T., Inc. | 29118 | Tsue Chong Co. | 29239 |
| cottonseed products: | | Maple syrup. <i>See</i> Syrup, table. | |
| Chickasha Cotton Oil Co. | 29129 | Marshmallows. <i>See</i> Candy. | |
| eggs: | | Milk powder. <i>See</i> Dairy products. | |
| Idaho Egg Producers | 29204 | Mincemeat: | |
| wheat gray shorts and screenings: | | Oests Food Co. | 29103 |
| Shawnee Milling Co. | 29165 | Noodles. <i>See</i> Macaroni products. | |
| Fig paste: | | Nuts— | |
| Orange Products Co. | 29081 | almonds: | |
| Fish and shellfish— | | Nut Krunchets: | |
| clams, canned: | | Gro-Best Products Co., Inc. | 29105 |
| Brown & Hart Packing Co. | 29056 | peanuts, shelled: | |
| Burnham & Morrill Co. | 29058 | Bain Peanut Co. | 29090 |
| crab meat: | | Worth, J. B., Peanut Co. | 29096 |
| Bougon's Oyster House | 29181 | pecan: shelled: | |
| Brunswick Fisheries | 29069 | Hofmann Bros. Co. | 29149 |
| Crocsher Bros. Packing Co. | 29215 | Texas Pecan Products Co. | 29149 |
| Elliott, G. T., Inc. | 29115 | Zerr, E. M., & Co. | 29244 |
| Gollott, C. F., Seafood Co. | 29217 | walnut chips: | |
| Laramore, W. C. | 29216 | L. A. Nut House. | 29155 |
| Mills Fisheries | 29055 | dust: | |
| Toomer, E. J. | 29054 | Alled Fruit & Extract Co., Inc. | 29243 |
| Winstad-Bioxom-Jones Co., Inc. | 29114 | meats: | |
| Zibilich, Paul, Co., Inc. | 29218 | National Nut Co. | 29148 |
| tuna, canned: | | Oil, olive: | |
| Miner, Read & Tullock, Inc. | 29099 | Alfano, F. | 29085 |
| Point Loma Tuna Packers, Inc. | 29099 | Dellino, Anthony | 29086 |
| white meat fish: | | Orsi, Angelo, Co. | 29231 |
| Sun Harbor Packing Corporation | 29198 | | |
| whitefish: | | ¹ Prosecution contested. | |
| Main Fish Co. | 29213 | | |
| caviar: | | | |
| Amtorg Trading Corporation | 29137 | | |
| Hansen Caviar Co. | 29158 | | |
| Heller Bros. Importing Co. | 29228 | | |
| Rafco, Inc. | 29137 | | |
| Romanoff Caviar Co. | 29158 | | |

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| Oil, olive—Continued. | N. J. No. | Raisins: | N. J. No. |
| Sachs Manufacturing Co----- | 29164 | Cured Fruit Association of | |
| West, E. R----- | 29176 | California----- | 29052 |
| West Tea & Coffee Co----- | 29176 | Rosenberg Bros. & Co----- | 29052 |
| Orange flavor. <i>See</i> Flavors. | | Shorts and screenings. <i>See</i> Feed, | |
| paste with coconut: | | wheat. | |
| Orange Products Co----- | 29081 | Sirup, table— | |
| Peaches— | | Montgomery, Wm., Co----- | 29248 |
| K & B Farms, Inc----- | 29152 | Nectar Syrup Co----- | 29210, 29248 |
| Lowe, C. C----- | 29152 | maple sirup: | |
| Oakland Fruit Farm----- | 29152 | Brigham, J. H----- | 29141 |
| Smith, A. L----- | 29152 | Ford, T. J----- | 29128 |
| Willingham Fruit Farm----- | 29152 | Maroney, R. H----- | 29132 |
| canned: | | Martin, John----- | 29182 |
| Bush Bros. & Co----- | 29120 | Morgan, R., & Co----- | 29121 |
| Gresham Berry Growers, Inc----- | 29109 | Natural Sugars, Inc----- | 29144 |
| Pacific Fruit & Produce Co----- | 29109 | Phillips, F. L----- | 29167 |
| dried: | | Tice, G. M----- | 29156 |
| S. & W. Fine Foods, Inc----- | 29183 | United Maple Products, Ltd----- | 29142 |
| Peanut butter: | | Wiggers, John----- | 29127 |
| Alabama Vinegar Co----- | 29134 | Solvene. <i>See</i> Alcohol substitutes, | |
| Denison Peanut Co----- | 29119 | solvents. | |
| Dothan Oil Mill Co----- | 29082 | Spinach— | |
| Johnston, J. D. Jr., Co----- | 29135 | Commercial Produce Co----- | 29116 |
| Louis-Anne, Inc----- | 29126 | Cross, W. S----- | 29088 |
| Southern Foods, Inc----- | 29194 | Old, Young----- | 29092 |
| Peanuts. <i>See</i> Nuts. | | canned: | |
| Pears, dried: | | Bohannon Canning Co----- | 29123 |
| California Packing Corpora- | | Tomato catsup: | |
| tion----- | 29068 | Curtze, C. A----- | 29124 |
| Morey Mercantile Co----- | 29068 | Donahoe's----- | 29124 |
| Rosenberg Bros. & Co----- | 29184 | Farm King Packing Co----- | 29124, 29232 |
| Peas, canned: | | National Retailer Owned Gro- | |
| Biddle Purchasing Co----- | 29125 | cers, Inc----- | 29140 |
| Columbus Foods Corporation----- | 29098 | Potter McCune Co----- | 29124, 29232 |
| Feezer, A. W., & Co., Inc----- | 29125 | Seiter's, Inc----- | 29140 |
| Hoover Food Products Corpora- | | paste: | |
| ration----- | 29098 | Page's Gold Medal Canning | |
| Lineboro Canning Co----- | 29145, 29160 | Co., Inc----- | 29071 |
| Oostburg Canning Co----- | 29072 | puree: | |
| Parrott & Co----- | 29169 | Columbus Foods Corporation----- | 29059 |
| Phillips Packing Co., Inc----- | 29074, 29234 | Glorioso, Angelo----- | 29075 |
| Phillips Sales Co., Inc----- | 29074, | Saukville Canning Co----- | 29108 |
| | 29233, 29234 | Swayzee Canning Co----- | 29211 |
| Preston Canning Co----- | 29145 | Tomatoes, canned: | |
| Sisk, A. W., & Son----- | 29145 | King McCoy Canning Corpora- | |
| Takokuwa, Y., & Co----- | 29169 | tion----- | 29073 |
| Valders Canning Co----- | 29186 | Palmetto Canning Co----- | 29147 |
| Pecans. <i>See</i> Nuts. | | Parrott & Co----- | 29053 |
| Potatoes: | | Schild, M., & Co----- | 29060 |
| Florida Planters, Inc----- | 29162 | State Wholesale Grocers, Inc----- | 29073 |
| Martin, W. H----- | 29061, 29237 | with puree from trimmings, canned: | |
| Poultry— | | Parrott & Co----- | 29089 |
| turkey, frozen: | | Tostados. <i>See</i> Corn chips. | |
| Armour & Co----- | 29250 | Tuna. <i>See</i> Fish and shellfish. | |
| Preserves, jams, and jellies— | | Turkeys. <i>See</i> Poultry. | |
| fruit butters: | | Vanilla flavor. <i>See</i> Alcohol substi- | |
| American Shippers Association----- | 29084 | tutes in flavors; flavors. | |
| Coast Fishing Co----- | 29084 | Walnut meats. <i>See</i> Nuts. | |
| Pure Foods Corporation----- | 29084 | Water, mineral: | |
| apple butter: | | Fox Head-Waukesha Corpora- | |
| Renehan, A. H., & Son----- | 29163 | tion----- | 29117 |
| preserves and jams: | | Whisky. <i>See</i> Beverages and beverage | |
| National Kream Co., Inc----- | 29107 | bases. | |
| ✓ Starr Fruit Products Co----- | 29079 | Whitefish. <i>See</i> Fish and shellfish. | |
| Prunes: | | White meat fish. <i>See</i> Fish and shell- | |
| Deako, J. E----- | 29185 | fish, tuna. | |
| O'Leary, M. J----- | 29189 | | |

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

DEC 23 1938

29251-29300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 18, 1938]

29251. Alleged adulteration and misbranding of Cascarets. U. S. v. Sterling Products, Inc. Demurrer to amended information sustained. (F. & D. No. 33915. Sample Nos. 47050-A, 58005-A, 58006-A.)

On July 25, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sterling Products, Inc., Wheeling, W. Va., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 29, 1933, from the State of West Virginia into the State of Massachusetts of a quantity of Cascarets that were alleged to be adulterated and misbranded.

On May 4, 1937, the defendant filed a demurrer to the first count of the information and motions to strike certain allegations of the remaining counts. On October 22, 1937, an amended information was filed.

The amended information alleged that one lot of the article was adulterated in that its purity fell below the professed standard under which it was sold since the article was sold under the name of Cascarets, a name which signified that the active laxative ingredient of the article was obtained from the plant drug cascara sagrada; whereas the active laxative ingredient consisted in part of the drug phenolphthalein which is a synthetic coal-tar derivative and not the plant drug cascara sagrada.

This lot was alleged to be misbranded in that the statement on the box containing the article, "Cascarets * * * Candy," was false and misleading since it represented that the article was Cascarets, a name which signified that the active laxative ingredient of the article was obtained from the plant drug cascara sagrada and that the article was a candy, whereas, the active laxative ingredient of the article consisted in part of the drug phenolphthalein, and the article was not a candy.

The other lot was alleged to be misbranded in that the statement on the label, "Candy Cathartic Cascarets," was false and misleading since it represented that the article was Cascarets, a name conveying the impression that the article was essentially a preparation of cascara sagrada and was essentially candy; whereas it was not essentially a candy since it was essentially a preparation of phenolphthalein, a synthetic coal-tar derivative, which is not a preparation of cascara sagrada and which is a drug and not a candy.

On November 19, 1937, the defendant filed its demurrer to each count of the amended information, and on May 11, 1938, the court entered judgment dismissing the cause, having sustained the demurrer in the following opinion:

(BAKER, Judge): "In this case an information was filed at the June, 1935, term of court, in case known as Criminal No. A-3847. To that information a demurrer was filed and a motion was made to strike certain parts thereof. Later, a pleading styled 'Amended Information' was filed, and the defendant demurred to this amended information and each count thereof. This latter demurrer was fully argued by counsel for the Government and for the defendant, and both sides presented written briefs.

"Having fully considered this demurrer and the arguments and briefs thereon, I have come to the conclusion that the demurrer to the amended information and each count thereof should be sustained. It must be borne in mind that this is a criminal proceeding, and that this information is to be tested by the

strict rules applicable to any indictment or information. Having so considered the amended information, I feel that the demurrer to the first count should be sustained:

"(a) The count complains of only one profession under which the article of drug was sold, the profession that the article was sold under the name 'Cascarets.' The count calls this a profession of purity. This profession is not one of purity, but one of identity. Therefore, the count fails to allege any fact upon which to base its charge that the defendant professed a standard of purity and that the article in question fell below such standard. Hence, no charge of adulteration can be based upon this count.

"(b) The count is vague and indefinite in that it fails to disclose whether or not the name 'Cascarets' signifies that cascara sagrada is the only laxative ingredient, or whether it is merely a necessary laxative ingredient of Cascarets.

"(c) The count does not state sufficient facts to justify a verdict of guilty of adulteration within the meaning of section 8 of the Food and Drugs Act.

"The demurrer to the second count of the amended information should be sustained because:

"(a) The allegation in the last paragraph that Cascarets is a name which signifies that the active laxative ingredient of the article is obtained from the plant drug cascara sagrada and that said article was a candy, is in direct conflict with the other allegations of the count, since the count states that cascara sagrada is a drug and not a candy.

"(b) The count fails to disclose to whom the name 'Cascarets' signifies that the active laxative ingredient of the article is obtained from the plant drug cascara sagrada.

"(c) It fails to disclose whether or not it is intended to charge that cascara sagrada is the sole active laxative ingredient of Cascarets.

"(d) The count does not allege sufficient facts to sustain a conviction of a charge of misbranding within the meaning of the Food and Drugs Act.

"The demurrer to the third count of the amended information should be sustained for the reason that it is vague and indefinite in several respects, especially the following:

"(a) The phrase 'essentially candy' is vague and indefinite.

"(b) It does not charge to whom the impression that the article was essentially a preparation of cascara sagrada and was essentially candy, might be conveyed.

"(c) The count charges that the product proceeded against was 'essentially a preparation of phenolphthalein, which phrase is indefinite.

"For these reasons I am constrained to sustain the demurrer to the amended information and to each count thereof.

"It should be noted by counsel that I am not, at this time, passing upon the demurrer to the original information, nor upon the motion to strike certain parts of the same. These matters have never been argued, and I deem them of sufficient importance to ask counsel to submit arguments thereon fully before coming to any conclusion. If counsel for either side wish the court to consider these propositions, I will do so at the regular April, Wheeling term of this court.

"Counsel are directed to prepare a decree in accordance with this memorandum and submit it to the court."

M. L. WILSON, *Acting Secretary of Agriculture.*

29252. Alleged misbranding of pharmaceuticals. U. S. v. Eugene J. Fishgoll (Missouri Products Co.). Motion to dismiss sustained. (F. & D. No. 33963. Sample Nos. 61132-A, 61134-A, 61139-A, 61141-A, 61142-A.)

On April 22, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugene J. Fishgoll, trading as Missouri Products Co., at St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 21, 1934, from the State of Missouri into the State of Ohio, of quantities of cascara sagrada, spirits of ammonia, flaxseed meal, boric acid, and sulphur which were alleged to be misbranded.

The articles were alleged to be misbranded in that certain statements, namely "2 Fl. Oz." borne on the labels of the cascara sagrada and the spirits of ammonia, "4 Oz." on the label of the flaxseed meal, and "16 Oz." on the labels of the boric acid and the sulphur were false and misleading since they represented that each of the bottles of cascara sagrada and spirits of ammonia

contained 2 fluid ounces, that each of the packages of flaxseed meal contained 4 ounces, and that each of the packages of boric acid and sulphur contained 16 ounces; whereas the said bottles and packages did not each contain the amount declared, but did contain a less amount.

On or about January 11, 1936, the defendant filed a motion to dismiss the information on the ground that it set forth no facts sufficient to constitute a violation of any statute of the United States. The said motion was argued by counsel for the Government and the defendant and was taken under advisement by the court. On March 2, 1937, the court entered an order overruling the motion. On April 9, 1938, the court vacated the said order, granted the defendant permission to refile its motion, and sustained the motion without opinion.

M. L. WILSON, *Acting Secretary of Agriculture.*

29253. Misbranding of Dr. Belding Skin Remidin. U. S. v. International Stock Food Co. and Erle B. Savage. Pleas of nolo contendere. Fine, \$50. (F. & D. No. 39793. Sample No. 36148-C.)

This product was misbranded because of false and fraudulent representations regarding its curative and therapeutic effects. It was misbranded further since it was represented to be absolutely harmless; whereas it contained mercuric chloride which is not absolutely harmless to the skin.

On March 1, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against International Stock Food Co., a corporation, and Erle B. Savage, an officer of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 6, 1937, from the State of Minnesota into the State of Montana of a quantity of Dr. Belding Skin Remidin which was misbranded. The article was labeled in part: "Dr. Belding Medicine Co., Minneapolis, Minn."

Analysis showed that it consisted chiefly of alcohol, water, glycerin, and a small amount of ethyl acetate and mercuric chloride.

It was alleged to be misbranded in that statements borne on the label falsely and fraudulently represented its therapeutic and curative effectiveness to help nature in restoring a healthful activity of the skin, to kill poison, to help prevent barber's itch, to help nature restore a healthful condition and to keep the skin healthy when paints and powder are used, to help nature excite the glands and pores to healthful action, to cause impurities to be expelled through the skin, and to stimulate the glands; its effectiveness as a treatment, remedy, and cure for herpes (tetter), eczema (salt rheum), rash, scald head, milk scald, any rough skin, scabies, plant poisoning, hives, scratches, barber's itch, ringworm, itching piles, parasitic diseases, dandruff, and other scaly or scabby eruptions of the skin; and its effectiveness as an absorbent.

It was alleged to be misbranded further in that the statement borne on the label, "Absolutely harmless to the most delicate skin," was false and misleading since it represented that the article was absolutely harmless to the most delicate skin; whereas it was not absolutely harmless to the most delicate skin but contained mercuric chloride, which is not absolutely harmless to the skin.

On March 1, 1938, a plea of nolo contendere was entered by the defendants and they were sentenced to pay fines in the total amount of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29254. Adulteration and misbranding of saline-dextrose solution. U. S. v. 14 Bottles of Saline-Dextrose Solution. Default decree of condemnation and destruction. (F. & D. No. 42370. Sample No. 15392-D.)

Samples of this article were found to be contaminated with viable mold and mold spores, whereas it should be sterile.

On May 19, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bottles of saline-dextrose solution at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Kansas City, Mo., by the Haver-Glover Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Saline-dextrose Solution Each 500 cc contains d-Dextrose 10% Physiologic saline solution 90%."

Misbranding was alleged in that the statements on the label, "Saline-Dextrose Solution * * * Directions: attach transfusion outfit to the neck of the bottle, inject air into the bottle through the long needle provided for that purpose, puncture the puncture-sealed rubber stopper with the intake needle and insert at the other end into the place of delivery (skin or vein)," were false and misleading since they led the purchaser to believe that the article was a safe and appropriate medicament for parenteral administration; whereas it was not a safe and appropriate medicament for such use since it was contaminated.

On July 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29255. Misbranding of Nature's Herb Tablets. U. S. v. 3,800 Packages, et al., of Nature's Herb Tablets. Default decree of condemnation and destruction. (F. & D. No. 42379. Sample Nos. 17289-D, 17290-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 12, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,064 packages, 25-cent size, and 69 \$1.00-sized cartons of Nature's Herb Tablets at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, in the possession of Washington Herb Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the tablets contained plant material including aloe.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article as a blood, liver, and kidney medicine; and as a treatment for torpid liver, kidney disorder, rheumatic pains, chills, fever and ague, malaria, sick and nervous headache, indigestion, constipation, liver complaint, dyspepsia, giddiness, sickness at the stomach, bad taste in the mouth, yellow skin, loss of appetite, costiveness, irregularity of the bowels, worms, stagnation of the blood, acid humors of the blood, pimples and rough skin, poison in the blood, scrofula, nasal catarrh, and nervous diseases.

On July 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29256. Adulteration and misbranding of ether. U. S. v. 80 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 42347. Sample No. 18104-D.)

Samples of this product were found to contain peroxide.

On May 10, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cans of ether at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about September 1, 1937, by the Mallinckrodt Chemical Works from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "ether," and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard was not stated upon the container. Misbranding was alleged in that the statement on the label, "fully conforms to all requirements of the U. S. P. XI," was false and misleading since it represented that the article conformed to all requirements of the eleventh revision of the United States Pharmacopoeia; whereas it did not conform to all of the said requirements since it contained peroxide.

On July 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29257. Adulteration and misbranding of sandalwood oil U. S. P. U. S. v. 9 Boxes and 4 Boxes of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 42188. Sample Nos. 14156-D, 14157-D.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On April 13, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 13 boxes of sandal-wood oil capsules at Lowell, Mass.; alleging that the article had been shipped in interstate commerce on or about March 22, 1938, from New York, N. Y., by Petrolane Laboratories, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, sandalwood oil, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Sandalwood Oil * * * (U. S. P.)," was false and misleading since it represented that the article was the volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, whereas it was not as represented since it contained a benzyl compound, such as benzyl alcohol, and terpineol. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, sandalwood oil.

On June 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29258. Misbranding of Sanettes (Mentholated Kerchiefs). U. S. v. 6½ Gross Packages of Sanettes. Default decree of condemnation and destruction. (F. & D. No. 41978. Sample No. 9867-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 16, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ gross packages of Sanettes at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 18, 1937, and February 7, 1938, from Wheelwright, Mass., by San-Nap-Pak Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of tissue paper impregnated with menthol.

The article was alleged to be misbranded in that the following statements regarding its therapeutic or curative effects, borne on the carton, were false and fraudulent: "Useful during * * * hay fever and sinus irritations—Aids in clearing congested air passage."

On August 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29259. Misbranding of Trox Tablets. U. S. v. 45 Dozen Packages of Trox Tablets. Default decree of condemnation and destruction. (F. & D. No. 41900. Sample No. 15206-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 16, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 dozen packages of Trox Tablets at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about December 21, 1937, from Denver, Colo., by Oxol Laboratories; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of charcoal, starch, magnesium carbonate, extracts of plant materials including saponins, and a small amount of oxyquinoline sulphate.

The article was alleged to be misbranded in that the following statements in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness: (Carton and leaflet) "Recommended for the treatment of urinary infections, cystitis, and prostatic conditions."; (circular) "* * * are recommended in the treatment of cystitis, prostatitis and forms of urinary infection, such as venereal disease. The kidneys should be thoroughly flushed, at frequent intervals, when excessive amounts of alcoholic beverages are consumed. Excessive urination or suppression of urine is generally due to infection, the direct result of irritation. Trox Tablets produce a soothing effect to the urinary passages and due to the

content of Oxyquinoline, combined in the tablet, tend to produce a penetrating antiseptic influence, which is necessary to rid the body of accumulated toxic wastes."

On April 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29260. Adulteration and misbranding of belladonna ointment, Syrup Cherry Compound with Codeine, and thyroid tablets. U. S. v. Blackman & Blackman, Inc., and Theodore A. Blackman. Pleas of guilty. Fines: Corporation, \$200; individual, \$100. (F. & D. No. 36095. Sample Nos. 21845-B, 23663-B, 30653-B, 30925-B.)

This belladonna ointment was represented to conform to the standard laid down in the United States Pharmacopoeia but contained less extract of belladonna than specified in the said standard, and its own standard was not declared. The Syrup Cherry Compound with Codeine contained less chloroform and ammonium chloride than declared, and no antimony and potassium tartrate, which were declared ingredients. The thyroid tablets contained thyroid in excess of the amount declared.

On January 28, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Blackman & Blackman, Inc., and Theodore A. Blackman, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about February 5 and 19, March 22, and April 5, 1935, from the State of New York into the States of New Jersey and Ohio of quantities of the above-named products, which were adulterated and misbranded. The articles were labeled in part: "Premo Pharmaceutical Laboratories New York, N. Y."

The belladonna ointment was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of the investigation, since 100 grams of the article contained less than 10 grams, i. e., not more than 9.15 grams of extract of belladonna, whereas the pharmacopoeia provides that belladonna ointment shall contain not less than 10 grams of extract of belladonna per 100 grams; and the standard of strength, quality, and purity of the article was not declared. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be belladonna ointment which conformed to the standard laid down in the pharmacopoeia; whereas it was not. It was alleged to be misbranded in that the statement "Belladonna Ointment (Unguentum Belladonna U. S. P.)," borne on the label, was false and misleading.

The Syrup Cherry Compound with Codeine was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since each fluid ounce of the article was represented to contain 2 minimis of chloroform, 8 grains of ammonium chloride, and one-twelfth of a grain of antimony and potassium tartrate; whereas each fluid ounce of the article contained less than 2 minimis, i. e., not more than 1.02 minimis of chloroform; less than 8 grains, i. e., not more than 6.54 grains of ammonium chloride, and it contained no antimony nor potassium tartrate.

It was alleged to be misbranded in that the statements, "Syrup Cherry Compound * * * Each Fluid Ounce Contains: Chloroform 2 min. * * * Ammonium Chloride 8 grs. * * * Antimony and Potassium Tartrate $\frac{1}{12}$ gr.," were false and misleading.

The thyroid tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of the tablets was represented to contain $\frac{1}{4}$ grain of thyroid; whereas each tablet contained more than $\frac{1}{4}$ grain, i. e., approximately $\frac{1}{2}$ grain of thyroid. (The two lots contained not less than 0.40 grain and not less than 0.38 grain, respectively, per tablet.)

They were alleged to be misbranded in that the statement "Thyroid Tablets $\frac{1}{4}$ Grain," borne on the label, was false and misleading.

Pleas of guilty having been entered by the defendants, on July 11, 1938, the corporation was sentenced to pay a fine of \$200; and on July 12, 1938, Theodore A. Blackman was sentenced to pay a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

29261. Adulteration and alleged misbranding of Epsom salts, citrate of magnesia, and hydrogen peroxide. U. S. v. Larche Laboratories, Inc., Jack Rudolph, and Albert A. Larche. Pleas of guilty by individuals to charges of adulteration. Fines, \$150 each. Misbranding charges against individuals and all charges against corporation dismissed by court. (F. & D. No. 40826. Sample Nos. 60559-C, 60570-C, 60573-C.)

These products were represented to be products recognized in the United States Pharmacopoeia, but differed from the standards laid down therein; and their own standards were not declared.

On June 17, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Larche Laboratories, Inc., Denver, Colo., and Jack Rudolph and Albert A. Larche, officers of the corporation, alleging shipments by said defendants in violation of the Food and Drugs Act, on or about August 30, October 9, and November 4, 1937, from the State of Colorado into the State of New Mexico, of quantities of Epsom salts, citrate of magnesia, and hydrogen peroxide, that were adulterated and alleged to be misbranded. The articles were labeled in part: "Epsom Salts, Magnesium Sulphate Larche Laboratories Denver"; "White Cross Hydrogen Peroxide Packed by Larche Laboratories Denver"; "Solution Citrate Magnesia."

The Epsom salts was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, and the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia required that it contain not less than 99.5 percent of magnesium sulphate; whereas the article differed from the said standard in that it contained less than 99.5 percent of magnesium sulphate and also contained a quantity of sodium sulphate, and no standard of strength, quality, and purity of the article was stated plainly or otherwise on the container. The Epsom salts was alleged to be misbranded in that the statements on the container, "Magnesium Sulphate Nature Made It Pure * * * These salts are guaranteed to be technically pure in every detail," were false and misleading, since the article was not pure magnesium sulphate but contained an admixture foreign to magnesium sulphate, namely, sodium sulphate.

The hydrogen peroxide was alleged to be adulterated in that it was represented to be "Hydrogen Peroxide U S P," a drug recognized in the United States Pharmacopoeia under the name "Solution of Hydrogen Peroxide," whose standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia required that it contain in each 100 cubic centimeters not less than 2.5 grams of hydrogen peroxide; whereas it contained not more than 0.78 gram of hydrogen peroxide per 100 cubic centimeters and therefore differed from the pharmacopoeial standard and its own standard of strength, quality, and purity was not stated plainly or otherwise on the container. It was alleged to be misbranded in that the statement "Hydrogen Peroxide" and the letters "U S P," borne on the label, were false and misleading since they represented that it contained the amount of hydrogen peroxide present in solution of hydrogen peroxide of United States Pharmacopoeial standard; whereas it contained less hydrogen peroxide than is contained in such a solution.

The solution citrate of magnesia was alleged to be adulterated in that it was sold under the names, "Citrate of Magnesia" and "Solution Citrate of Magnesia," names which were recognized in the United States Pharmacopoeia official at the time of investigation, and the standard of strength, quality, and purity for which, as determined by the test laid down in said pharmacopoeia required that it contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams and not more than 1.9 grams of magnesium oxide, and in each 10 cubic centimeters citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; whereas the article differed from the said standard since it contained magnesium citrate corresponding to not more than 1.33 grams of magnesium oxide per 100 cubic centimeters, and citric acid equivalent to not more than 22.1 cubic centimeters of half-normal hydrochloric acid per 10 cubic centimeters, and no standard of strength, quality, and purity of the article was stated plainly or otherwise on the container. The article was alleged to be misbranded in that the statement on the label, "Solution Citrate of Magnesia" was false and misleading since it contained less magnesium oxide and less citric acid than are contained in solution citrate magnesium of United States Pharmacopoeial standard.

On July 21, 1938, Jack Rudolph and Albert A. Larche having entered pleas of guilty to the said charges of adulteration, the court sentenced them to pay fines in the total amount of \$300, and dismissed the misbranding charges against them. All charges were dismissed against the defendant Larche Laboratories, Inc.

M. L. WILSON, *Acting Secretary of Agriculture.*

29262. Misbranding of Minnequa Water. U. S. v. 120 Bottles and 476 Bottles of Minnequa Water. Default decrees of condemnation and destruction. (F. & D. Nos. 42456, 42457. Sample No. 7930-D.)

The labeling of this product bore false and fraudulent curative or therapeutic claims; and failed to bear a statement of the quantity of contents of the bottles.

On May 24, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 596 bottles of Minnequa Water at Bayonne, N. J.; alleging that the article had been shipped in interstate commerce on or about April 18, 1938, from Canton, Pa., by Minnequa Springs; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was a lightly mineralized water of the bicarbonate type.

It was alleged to be misbranded under the provisions of the law applicable to drugs in that the following statements borne on the label were statements regarding its curative or therapeutic effects and were false and fraudulent: "Keeps Blood and Excretions Alkaline, Increases Metabolism and Promotes Tissue Repair, Enhances the Action of Saliva, Bile and Intestinal Juices. Aids Interchange of Gasses in the Tissues and Lungs by Acting as Carbonic Acid Carriers. Indicated in Acid Dyspepsia, Constipation, Gall Stones, Gravel, Gout, Diabetes, Skin Eruptions, Rheumatism, Neuritis and Obesity." It was alleged to be misbranded further under the provisions of the law applicable to food in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29263. Misbranding of Van-Tage. U. S. v. Van-Tage Medicine Co., Inc., Gilbert H. Mosby, and Ray H. Huber. Pleas of guilty. Fine, \$100 each. (F. & D. No. 38018. Sample No. 45728-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On November 16, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Van-Tage Medicine Co., Inc., Los Angeles, Calif., and Gilbert H. Mosby and Ray H. Huber, officers of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 22, 1935, from the State of California into the State of Colorado of a quantity of Van-Tage that was misbranded. The article was labeled in part: "Van-Tage Medicine for internal use * * * Van-Tage Medicine Co., Inc., Los Angeles * * * Cincinnati."

Analysis of a sample of the article showed that it consisted of the following: Water (91.0 percent), glycerin (6.25 percent), sugars (0.8 percent), salicylic acid (0.2 percent), benzoic acid (0.15 percent), caramel (1.0 percent), pepsin (0.1 percent), potassium iodide (0.1 percent), material derived from plant drugs including resins, flavoring, and coloring (by difference, 0.4 percent). These findings represented the ingredients found in the preparation. The amount was not the same for all samples examined.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness as a treatment, remedy, and cure for sick and ailing people; its effectiveness to restore health, to regain health, to make millions of sick people feel better, to have beneficial action upon millions of half-living men and women racked with pain, unable to eat and drink or enjoy the fullness of life, and to act upon the upper organs and bloodstream; its effectiveness as a treatment, remedy, and cure for any decided sluggish condition, stomach pains, stomach, bowel, liver and kidney ills, stomach gas, bloating, and kindred ailments; and its effec-

tiveness to stimulate the liver, release bile, cleanse impurities from the bowels, and to stimulate the stomach to proper digestion of food.

On May 9, 1938, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$600.

M. L. WILSON, *Acting Secretary of Agriculture.*

29264. Adulteration and misbranding of Lund's Magic of the Grape. U. S. v. C. Harrison Lund (Lund's Grape Juice Co.). Plea of nolo contendere. Fine of \$10 on each of counts 1, 2, and 3; probation on remaining counts. (F. & D. No. 39778. Sample Nos. 17941-C, 20225-C, 27497-C, 27522-C, 27523-C, 28641-C.)

This product was labeled to indicate that it was composed essentially of grape juice; whereas it consisted of water, dextrose, mineral matter, and only 20 percent to 33½ percent of grape juice. Its labeling also bore false and fraudulent curative and therapeutic claims.

On November 10, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. Harrison Lund, trading as Lund's Grape Juice Co., Erie, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about January 21, 1937, to on or about March 31, 1937, from the State of Pennsylvania into the States of New York and Massachusetts of quantities of Lund's Magic of the Grape, which was adulterated and misbranded. The article was labeled in part: "Lund's Grape Juice Co. Erie, Pa."

Analyses showed that it was a diluted grape juice containing dextrose and added mineral salts, certain of the samples examined containing about one-third grape juice and the remaining samples containing about 20 percent of grape juice.

The article was alleged to be adulterated in that water, dextrose, and mineral matter had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. It was alleged to be adulterated further in that a mixture of water, dextrose, and mineral matter which contained in certain instances approximately 20 percent of grape juice, and in others approximately 33½ percent of grape juice, had been substituted in whole or in part for a product composed essentially of grape juice, which it purported to be.

The article was alleged to be misbranded in that the following statements, (circular, all lots) "Lund's Magic of the Grape * * * is pure natural food which does not require digestion. * * * two or three quarts of Lund's per day furnishes energy for all usual occupation. * * * Lund's Grape Juice Co.," (bottle label, all lots) "Magic of the Grape Prepared from the pure juice of U. S. No. 1 ripe Concord Grapes exclusively processed to preserve the grape tannins * * *. Lund's served in 2½ ounce fruit-juice glasses at meals and as a refreshment between meals, is economical fruit. * * * The skins are discarded as you discard them in the usual process of eating grapes, so that the cloudy purple coloring, which consists of compounds of tannic acid that disturb digestion, is eliminated. It offers the convenience of pouring your morning fruit from a bottle and has the same delicate flavor as the juice that flows into your mouth when you break a fresh ripe grape between your lips," (additional circular, certain lots) "Lund's Magic of the Grape is prepared from cold pressed natural color grape juice with grape sugar and no cane sugar. * * * It is so rich in grape sugar, which is the normal blood constituent from which nearly all energy is derived, that no other food is required for ordinary activities during a fast. * * * Lund's Grape Juice Co.," together with the device and design of grapes borne on the bottle label, were false and misleading and were borne on the labeling so as to deceive and mislead the purchaser since they represented that the article was essentially a grape product, namely, a product prepared from pure juice of U. S. No. 1 ripe Concord grapes; whereas it was not as represented but consisted of a mixture of water, dextrose, and mineral matter containing approximately 20 percent in certain lots and approximately 33½ percent in other lots of grape juice. It was alleged to be misbranded further in that it was prepared in imitation of an article composed essentially of grape juice and was offered for sale and sold under the distinctive name of another article, grape juice. It was alleged to be misbranded further in that certain statements, designs, and devices in the labeling falsely and fraudulently represented that it was effective to mildly stimulate the internal organs; effective as a treatment and relief for those who are ill; effective to maintain energy during a period of fast; effective for every aggravated ailment and as a first treatment for all chronic ailments;

effective to rid the blood and tissues of poisons and wastes, as a preparation for diagnosis and treatment, and to eradicate the ailment; effective as an aid to recuperation and to control chronic conditions; effective as a relief for stomach, liver, kidney, intestine, lung, or bladder trouble, rheumatism, emaciation, overweight, sleeplessness, cancer and any other sickness; effective to insure more firm and regular pulse, easier heart beat, more normal blood pressure and temperature, easier breathing, less inflammation, more regular and less painful kidney and bowel action, more restful sleep, more normal skin, less congestion of mucous membranes and reduction of pains in muscles and joints; effective as a treatment for congestion, inflammation of acute kinds, night rising, and insomnia; effective to eliminate poisons and wastes when accompanied with nausea and vomiting, headaches, purgings, and heaviness in eyes, mind, and muscles; effective to increase nerve and brain energy and to control health; and effective as a health food.

On May 31, 1938, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$10 on each of counts 1, 2, and 3, with costs, and ordered that the defendant be placed on probation for a period of 2 years on the remaining counts 4 to 18, inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

29265. Adulteration and misbranding of ether. U. S. v. 76 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 42186. Sample No. 24801-D.)

Samples of this product were found to contain benzaldehyde.

On April 15, 1938, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cans of ether at Charlotte, N. C.; alleging that the article had been shipped in interstate commerce on or about September 9, 1937, from New York, N. Y., by Merck & Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, ether, but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Ether * * * U. S. P." was false and misleading when applied to an article that contained benzaldehyde.

On May 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29266. Misbranding of milk of magnesia. U. S. v. 240 Bottles of Milk of Magnesia U. S. P. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42077. Sample No. 24940-D.)

This product was short weight.

On March 31, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 bottles of milk of magnesia at Augusta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 30, 1937, from New York, N. Y., by Certified Pharmacal Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "6 Fluid Ounces," was false and misleading since the bottles contained a less amount.

On May 11, 1938, no claimant having appeared, judgment of condemnation and destruction was entered. On June 22, 1938, the decree was amended to permit delivery of the product to a charitable institution in lieu of destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

29267. Misbranding of Pinolator. U. S. v. 83 Packages of Pinolator Treatment. Default decree of condemnation and destruction. (F. & D. No. 41039. Sample No. 47289-C.)

The labeling of this product bore false and fraudulent curative and therapeutic statements and design.

On December 10, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 83 packages of Pinolator Treatment at Columbus, Ohio; alleging that the article had been shipped in interstate commerce on or about November 11, 1937, from Minneapolis, Minn., by the Pinolator Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

The treatment consisted of a vaporizing apparatus and a bottle of liquid labeled "Pinolator Aromatic." The latter consisted of small proportions of benzoic acid, volatile oils (including pine-needle oil, peppermint oil, thymol, and camphor), and acetone, colored with a green dye.

Misbranding was alleged in that the following statements appearing in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article: (Bottle label) "Relieves Sinusitis * * * Hay Fever quickly"; (carton) "The Pinolator Treatment is indicated in Sinus Pains, Hay Fever * * * Asthma, Croup, Bronchial Infections and Pneumonia"; (circular) "How to use the glass tube For throat trouble, tonsilitis, laryngitis, bronchitis and asthma use * * * a valuable aid in easing the breathing in pneumonia. It is unsurpassed as an emergency treatment for croup in children old enough to use it." Misbranding was alleged further in that the diagram representing the anatomy of the upper respiratory passages and the sinuses connected therewith, appearing in the circular entitled "The Pinolator," was false and fraudulent in that it created the impression that the article when used as directed, would be effective in treating diseased conditions of those parts of the anatomy represented in the diagram; whereas it would not be effective for the said purposes when used as directed.

On March 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29268. Misbranding of Ingersoll's Gall-Stone Pills and Ingersoll's Gall Stone Remedy and System Cleanser. U. S. v. Gidney A. Ingersoll (G. A. Ingersoll Remedy Co.). Plea of guilty. Fine, \$200. (F. & D. No. 39840. Sample Nos. 46363-C, 46364-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On December 9, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gidney A. Ingersoll, trading as G. A. Ingersoll Remedy Co., at Milwaukee, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 31, 1937, from the State of Wisconsin into the State of New York, of quantities of Ingersoll's Gall-Stone Pills and Gall Stone Remedy and System Cleanser, which were misbranded. The articles were labeled in part: "G. A. Ingersoll Remedy Co. * * * Milwaukee, Wis."

Analyses showed that the Gall-Stone Pills contained phenolphthalein (0.64 grain per pill), small proportions of extracts of plant drugs, a salicylate, and menthol; and that the Gall Stone Remedy and System Cleanser was composed of a liquid medicine which consisted essentially of a fixed oil such as olive oil, sugar, and water, flavored with cinnamon oil; and of two powders, of which one consisted of a mixture of sodium bicarbonate and sodium tartrate, and the other consisted of tartaric acid.

The Gall-Stone Pills were alleged to be misbranded in that the labeling bore false and fraudulent curative and therapeutic representations that the article was effective in the treatment of conditions generally that arise from gallstones, that it was capable of keeping the bile duct clean, of stimulating the liver to secrete more bile, of destroying the "Hardere" substance in the gall duct, of keeping up a healthy activity of the bowels, and of curing appendix and stomach troubles; that it was effective to relieve and remedy the recurring pains occasioned by gallstones; that it was the only successful medical treatment for gallstone; that the best remedial results in the treatment of gallstone were attainable through use of the article as directed, that it would help to destroy hardened bile, would cause gallstone to pass off in the form of sand, and would prevent new stone from forming; that it was capable of causing the bile to be set to flowing as nature intended it should, of preventing the recurrence of gallstone, of acting on the gall duct so as to cause increase of the flow of bile and also to destroy the hardened substances in the duct which pass off without pain; and that use of the article would prevent the arising of those conditions that render operations for the removal of gallstone necessary.

The Gall Stone Remedy and System Cleanser was alleged to be misbranded in that its labeling bore false and fraudulent curative and therapeutic representations that its use in the treatment of gallstone and stomach trouble generally would afford a degree of relief without pain and would render an operation for relief therefrom unnecessary; that it was a remedy for gallstone, stomach trouble, indigestion, fainting spells, liver troubles, colic attacks, yellow jaundice, gas in the stomach, dizziness and appendicitis; that it was a cleanser of the system and capable of draining all the congestions of the alimentary tract without pain and with a soothing and healing effect; that it was a successful medical treatment for gallstones and the only such treatment; that it was capable of expelling hardened accumulations incident to gallstone without pain; and that by use of it an operation for the removal of gallstone could be avoided.

On May 20, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

29269. Misbranding of Butler's Cod Liver Oil Ointment. U. S. v. 1,313 Sample Packages, 1,327 1-Ounce Packages, and 136 5-Ounce Packages of Butler's Cod Liver Oil Ointment. Default decree of condemnation and destruction. (F. & D. No. 40987. Sample No. 47276-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On December 15, 1937, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,776 packages of Butler's Cod Liver Oil Ointment at Chattanooga, Tenn.; alleging that the article had been shipped in interstate commerce on various dates between May 22, 1936, and July 13, 1937, from Cleveland, Ohio, by Strong, Cobb & Co., Inc.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Anedemin Chemical Company."

Analysis of a sample of the article showed that it consisted essentially of petrolatum and a fish oil.

The article was alleged to be misbranded in that the labels on the tubes of all sizes bore the following statements regarding its therapeutic and curative effects, which were false and fraudulent: "Of value in the treatment of burns, wounds, * * * cuts * * * ulcers, etc."; and in that the cartons and circulars shipped with the 1-ounce size bore, among others, false and fraudulent representations that it was effective in the treatment of blood poisoning, surgical incisions, various skin affections, acne, fistula, that it was effective in alleviating pain, reducing fever, controlling secondary infection, cleansing the wound and stimulating epithelization, and that it was effective to accelerate healing and with practically no scar.

On May 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29270. Misbranding of Saxon Blackberry Cordial Compound. U. S. v. 147 Packages of Saxon Blackberry Cordial Compound. Default decree of condemnation and destruction. (F. & D. No. 42163. Sample No. 12425-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On April 11, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 packages of the above-named drug product at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 12, 1937, and February 19, 1938, from Duquesne, Pa., by Royal Manufacturing Co. of Duquesne; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "The Saxon Company Duquesne, Pa.;" (bottle) "The Saxon Company Cleveland"; (bottle and wrapper) "For Diarrhoea, Summer Complaint, Cholera Morbus, Cramps, Colic and similar complaints. * * * In severe cases it can be taken every hour. After the condition has been relieved, a dose after each meal for a day or two should be taken."

Analysis showed that it consisted essentially of water, sugar, glycerin, and alcohol with small proportions of salicylic acid and extracts of plant materials including ginger.

The article was alleged to be misbranded in that the statements appearing on the labels regarding its curative and therapeutic effects were false and fraudulent.

On May 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

29271. Adulteration and misbranding of pituitary extract obstetrical. U. S. v. Sharp & Dohme, Inc. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$50. (F. & D. No. 38616. Sample No. 8122-C.)

This product when assayed in accordance with the test laid down in the United States Pharmacopoeia was found to possess a potency materially in excess of—in some instances, double—the potency prescribed by the pharmacopoeia for pituitary extract obstetrical.

On May 14, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sharp & Dohme, Inc., trading at Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 14, 1935, from the State of Pennsylvania into the State of New Jersey of a quantity of pituitary extract obstetrical which was adulterated and misbranded. The article was labeled in part: "Sharp & Dohme Philadelphia—Baltimore."

The adulteration and misbranding charges appear in the court's opinion included herein.

On January 3, 1938, a plea of not guilty having been entered by the defendant, the case came on for trial before the court without a jury. The trial was continued from time to time and was concluded on June 17, 1938. On June 23, 1938, the court adjudged the defendant guilty and handed down the following opinion:

(MARIS, Judge): "This is a criminal prosecution begun by information charging the defendant with violation of the Food and Drugs Act. The first count charged the introduction in interstate commerce of a drug labeled in part, 'Pituitary Extract Obstetrical (10 International Units)' that was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the pharmacopoeia in that the drug possessed a potency of twice its labeled strength. The second count charged the misbranding of the same drug in that the labeled statement, above-quoted, was false and misleading when applied to a drug possessing twice its labeled strength. A jury trial was waived by the parties. It was agreed that the drug seized by the Government had been introduced in interstate commerce by the defendant and the sole question raised at the trial was whether it possessed a potency in excess of its labeled strength.

"The test laid down by the pharmacopoeia for assaying pituitary extract involved a comparison of the reaction to given quantities of standard pituitary powder and of the pituitary extract sought to be assayed of living muscle taken from the uterus of a virgin guinea pig and suspended in a nutrient solution. Such a biological assay is of course not nearly so exact in its results as a chemical analysis, since it depends for its success largely upon the character of the individual muscle used. However, while many of the individual tests prove inconclusive and unsatisfactory, it is nevertheless a fact that tests which are satisfactory are regularly obtained and may be readily identified as such. Such tests have been found in practice to give accurate results within a limit of 20 percent, plus or minus, and the procedure has been adopted as standard for testing this drug and it has been followed in practice for many years. The accuracy of this procedure was confirmed by a series of joint assays made with my approval of another specimen of defendant's product in the laboratories of the defendant and of the Food and Drug Administration at Washington.

"The pituitary extract here in question was labeled as having a strength of 10 international units per cubic centimeter. This is the equivalent of 100 percent of standard. The extract which was seized by the Government was subjected to 15 assays by the Food and Drug Administration which showed an average strength of 186 percent of standard, the individual assays running from 166 percent to 220 percent. A portion of the seized drug which was submitted by the Government to the defendant and subjected by it to four assays in its own laboratory showed results of 142 percent, 130 percent, 132 percent, and 130 percent of standard, an average of 133.5 percent.

"As I have said, the prescribed test is generally considered valid within limits of 20 percent, plus or minus, and is so described in the pharmacopoeia. Pituitary extract assayed as not more than 120 percent of standard would accordingly be within allowable limits for extract stated to have a strength of 10 international units. The evidence of both the Government and the defendant in this case, however, as I have indicated, shows beyond doubt that the defendant's product here involved was substantially overstrength and far beyond the limits laid down in the pharmacopoeia. The conclusion is inescapable that the defendant is guilty of violating the Food and Drugs Act.

"In reaching this conclusion I have not overlooked the evidence of assays made by the defendant of samples taken at the time of manufacture from the batch of extract from which the product here in question is said to have been taken. I feel, however, the evidence of identity of the product assayed with that here involved is not sufficiently definite to overcome the direct evidence of the results of the later assays made upon the particular product involved in this prosecution. Nor do I think the evidence excludes the possibility that the product of which the Government complains was in fact surgical pituitary extract of the strength of 20 international units, which the defendant admittedly was manufacturing at about the same time and which may have been labeled '10 International Units' by mistake.

"Upon full consideration of all the evidence, I find the defendant guilty as charged in both counts of the information."

On June 29, 1938, a fine of \$25 was imposed on each of the two counts of the information.

M. L. WILSON, *Acting Secretary of Agriculture.*

29272. Misbranding of Dexene. U. S. v. Sanovapor Laboratories, Inc., Gordon A. Guthrie, and Ethelbert Kennedy Walker. Plea of guilty by Gordon A. Guthrie. Fine, \$50. Nolle prosequi entered as to remaining defendants. (F. & D. No. 37036. Sample No. 49135-B.)

The labeling of this product bore a device and representations regarding its curative and therapeutic effects that were false and fraudulent.

On June 18, 1936, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sanovapor Laboratories, Inc., Huntington, W. Va., Gordon A. Guthrie, and Ethelbert Kennedy Walker, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 6, 1935, from the State of West Virginia into the State of Kansas, of a quantity of Dexene that was misbranded. On July 14, 1937, an amended information was filed. The article was labeled in part: "Dexene * * * Prepared by the Sanovapor Laboratories, Inc. Laboratories Huntington, W. Va. Akron, Ohio."

Analysis of the product showed that it consisted of a yellow aqueous solution containing 0.24 percent of sulphur dioxide.

The amended information alleged that the word "Dexene," borne on the bottles and on the carton, was a device regarding the curative and therapeutic effect of the article in that the word "Dexene" meant to purchasers that it was a remedy for diabetes, the word having attained such meaning through long existing general knowledge, the result of the following facts:

1. An application that the word "Dexene" be designated as a trade mark for a remedy for diabetes was duly filed in the United States Patent Office on April 29, 1931, under serial No. 313976 and said name "Dexene" was registered in accordance therewith on September 1, 1931, as a trade name for "A preparation Used In The Treatment of Diabetes."

2. That subsequent to the registration of the word "Dexene" and on September 1, 1931, the article was marked and branded as was the shipment involved in this case, and there was enclosed in the cartons containing the bottles a circular or booklet describing the product Dexene as a treatment, remedy, and cure for the disease diabetes, which booklet was shipped from time to time in interstate commerce, so that prospective purchasers and the public in general acquired general knowledge that the product Dexene was offered as a treatment, remedy, or cure for diabetes—although said booklet was not contained in the carton in which the article or drugs involved in this case was enclosed—the said booklet containing the following statements as to the curative and therapeutic value of the article: "The medicinal or therapeutic value of Dexene in Diabetes Mellitus will be readily understood by those affected with the disease, and particularly by the profession who will view with interest the

marked improvements as shown in the laboratory tests of both the blood and urine of the cases cited."

3. That the article when shipped and delivered for shipment was offered as a cure, remedy, or treatment for diabetes, both independently and further in conjunction with the diet recommended on the label of the bottle and the carton, which said diet is commonly known to the layman as being restricted to and prescribed exclusively in the treatment of diabetes.

That the article was misbranded in that the statements, designs, and devices aforesaid falsely and fraudulently represented the curative and therapeutic effectiveness of the article as a treatment, remedy, or cure for diabetes.

On October 19, 1937, a nolle prosequi was entered with respect to the Sano-vapor Laboratories, Inc., and Ethelbert Kennedy Walker. On November 1, 1937, a plea of guilty was entered by defendant Gordon A. Guthrie, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29273. Misbranding of Mentholated La Paris Kerchiefs. U. S. v. 58 Dozen Packages of Mentholated La Paris Kerchiefs (and 2 other seizure actions against the same product.) (F. & D. Nos. 41861, 41945, 42278. Sample Nos. 2878-D, 3031-D, 8442-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 7, March 11, and April 28, 1938, the United States attorneys for the Northern District of Illinois and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 58 dozen packages of Mentholated La Paris Kerchiefs at Chicago, Ill.; and 107½ dozen packages of the same product at San Francisco, Calif. The libel filed in the Northern District of California on March 11, 1938, was amended subsequently. The libels alleged that the article had been shipped in interstate commerce in part by the Sterile Co., Inc., from New Hartford, N. Y.; in part by the East West Shippers, from New Hartford, N. Y., and in part by the East West Shippers from New York, N. Y., between the dates of January 11 and March 16, 1938; and charged that it was misbranded in violation of the Food and Drugs Act as amended.

A sample of the article upon analysis was found to consist essentially of tissue paper impregnated with volatile oils, including menthol and oil of eucalyptus.

The article was alleged to be misbranded in that the following statements appearing in the labeling regarding its curative or therapeutic effects were false and fraudulent: "For * * * hay fever. Rose fever. Sinus. Soothes nasal irritation or * * * inflamed * * * skin. * * * Use as protection when in crowds * * * they are so soothing to inflamed skin * * * especially recommended for use in case of:—Rose Fever. Hay Fever."

On May 24, May 25, and June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29274. Adulteration and misbranding of sandalwood oil. U. S. v. 9 Boxes of Sandalwood Oil, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 42240, 42381. Sample Nos. 12452-D, 12453-D, 13165-D.)

This product failed to comply with the requirements of the United States Pharmacopoeia for sandalwood oil.

On April 27 and June 14, 1938, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 boxes of sandalwood oil capsules at Hartford, Conn.; alleging that the article had been shipped in interstate commerce in part on or about April 22, 1937, and in part on or about April 8, 1938, from New York, N. Y., by Jamco Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, sandalwood oil, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label.

One lot was alleged to be misbranded in that the statement on the label, "Sandalwood Oil U. S. P., Pure East India," was false and misleading since it represented that the article was sandalwood oil which complied with the requirements of the United States Pharmacopoeia; whereas it was not sandal-

wood oil of pharmacopoeial standard. The remaining lot was alleged to be misbranded in that the statement on the label, "Sandalwood Oil U. S. P. Pure East India," was false and misleading since it represented that the article was a volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, whereas it was not as represented since it contained benzyl alcohol, a derivative of phthalic acid and terpineol; and in that it was an imitation of and was offered for sale under the name of another article, namely, sandalwood oil.

On July 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29275. Adulteration and misbranding of Lactium. U. S. v. 6 Cans and 8 Jars of Lactium (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42950, 43022. Sample Nos. 18214-D, 18249-D.)

This product was represented to be a concentrated culture of acidophilus bacilli. Examination showed that it contained insufficient viable acidophilus bacilli to be of any therapeutic importance; that it was contaminated with yeast and that its labeling bore false and fraudulent curative and therapeutic claims.

On June 18 and July 6, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of 6 cans and 55 jars of Lactium at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 7 and June 7, 1938, from Chicago, Ill., by Scientific Health Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Samples taken from the two shipments were found to contain 20,000 and 100,000 viable organisms per gram, respectively, and to be contaminated with yeast.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Concentrated Lactic Culture * * * *Bacillus Acidophilus* Guaranteed Viable Full Year 1938," since the article contained an inconsequential number of viable organisms.

Misbranding was alleged in that the statements on the labels, "Concentrated Lactic Culture One Teaspoonful in milk or water with meals three times daily," and "*Bacillus Acidophilus* Guaranteed Viable Full Year," were false and misleading since the article was not concentrated lactic culture, it contained an inconsequential number of *bacillus acidophilus*, and it was not viable a full year. Misbranding was alleged further in that the statements on the label, "Step Up Health" and "Regain Normal Intestinal Flora," falsely and fraudulently represented the curative and therapeutic effectiveness of the article.

On July 14 and August 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29276. Adulteration and misbranding of Gauztex. U. S. v. 79 Packages of Gauze Bandages. Consent decree of condemnation and destruction. (F. & D. No. 42952. Sample No. 27233-D.)

This product was represented to be sterile but was contaminated with viable micro-organisms.

On June 20, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 packages of gauze bandages at Denver, Colo., consigned by General Bandages, Inc.; alleging that the article had been shipped in interstate commerce on or about May 18, 1938, from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, the statement in the labeling, "Gauztex is sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements, appearing variously in the labeling, were false and misleading since they represented that the article had the characteristics set forth in the statements; whereas the drug

was contaminated with viable micro-organisms and did not have the characteristics claimed: "It is safe," "Fully guaranteed," "Apply Gauztex direct over wound if no sterile gauze is available," "Sterilized," "Contains nothing irritating or injurious," "Gauztex is sterilized—Safe to use," and "If sterile gauze is not available, bandage directly over the wound with Gauztex to cover and protect it. Gauztex protects the wound thoroughly without shutting out the air."

Misbranding was alleged further in that the following statements appearing variously in the labeling falsely and fraudulently represented that the article was a safe and appropriate treatment for the conditions claimed, whereas it was not a safe and appropriate treatment for the conditions claimed: "Allows healing; circulation of air," "It is safe," "Fully guaranteed," "Apply Gauztex direct over wound if no sterile gauze is available," "For abdominal support after operations," "Sterilized," "Contains nothing irritating or injurious," "Gauztex is sterilized—Safe to use," "If sterile gauze is not available, bandage directly over the wound with Gauztex to cover and protect it. Gauztex protects the wound thoroughly without shutting out the air thus promoting more rapid healing," "Wind Gauztex onto the finger. Cover wound with two or more turns," "For finger-tip injuries," "Children come to mother with skinned knees and elbows * * * cuts, burns and scratches * * * They like to have you use Gauztex," and "Blisters * * * Bandage heel completely as illustrated. Use pad so that blister fits into U cut."

On July 1, 1938, General Bandages, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29277. Adulteration and misbranding of santal oil capsules. U. S. v. 18 Cartons and 16 Cartons of Capsules Santal Oil. Default decree of condemnation and destruction. (F. & D. No. 42945. Sample No. 17281-D.)

This product was labeled to indicate that it was oil of santal, a drug recognized in the United States Pharmacopoeia, but it failed to meet the tests prescribed in the pharmacopoeia for oil of santal.

On June 18, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cartons of santal oil capsules at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about April 18, 1938, from New York, N. Y., by American Pharmaceutical Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Santal Oil Pure East Indian * * * U. S. P." since it was not a drug recognized in the United States Pharmacopoeia.

Misbranding was alleged in that the statement on the label, "Santal Oil Pure East Indian * * * U. S. P." was false and misleading since it led the purchaser to believe that it was oil of santal, a drug recognized in the United States Pharmacopoeia; whereas it was not oil of santal, since it was not soluble in five volumes of 70 percent alcohol.

On July 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29278. Adulteration and misbranding of rubber prophylactics. U. S. v. 9½ Gross and 19 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 42484, 42485. Sample Nos. 27344-D, 27345-D.)

Samples of this product were found to be defective in that they contained holes.

On June 2, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28½ gross of rubber prophylactics at Denver, Colo., consigned by Western Latex Co.; alleging that the article had been shipped in interstate commerce on or about May 14, 1938, from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Liquid Latex LES"; or "Tetratex * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling of the respective lots were false and misleading: (Liquid Latex) "Prophylactics * * * Guaranteed five years * * * Sold for the prevention of disease only"; (Tetratex) "Prophylactic * * * For medical purposes * * * Guaranteed five years Disease preventative."

On June 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29279. Adulteration and misbranding of prophylactics. U. S. v. 2½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42289. Sample No. 16770-D.)

Samples of this product were found to be defective in that they contained holes.

On April 30, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2½ gross of prophylactics at Buffalo, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 23, 1938, from Chicago, Ill., by Frank G. Karg; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Selected Skins * * * Air Tested and Guaranteed for Five Years * * * For Prevention of Disease."

On May 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29280. Adulteration and misbranding of rubber prophylactics. U. S. v. 5 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42394. Sample No. 4205-D.)

Samples of this product were found to be defective in that they contained holes.

On May 17, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 gross of rubber prophylactics at New Albany, Ind.; alleging that the article had been shipped in interstate commerce on or about March 9, 1938, by Fletcher Chemical Co., from Cincinnati, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements, "Guaranteed * * * For Prevention of Disease * * * Triple Tested Free from Holes Guaranteed Five Years * * * Do not risk buying cheap prophylactics of no protection from unreliable sources," in the labeling were false and misleading.

On July 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29281. Adulteration and misbranding of rubber prophylactics. U. S. v. 26 Gross and 36 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 42274, 42275. Sample Nos. 16299-D, 16300-D.)

Samples of this product were found to be defective in that they contained holes.

On April 28, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 gross of rubber prophylactics at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about January 29, 1938, from Memphis, Tenn., by International Distributors; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Texide" or "L. E. S. Liquid Latex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling of the respective lots were false and misleading: (Texide) "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease * * * Prophylactic * * * Guaranteed Five Years * * * For the Prevention of Disease"; (Liquid Latex) "Prophylactic * * * Guaranteed Five Years * * * For the Prevention of Disease."

On June 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29282. Adulteration and misbranding of rubber prophylactics. U. S. v. 9½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42475. Sample No. 23057-D.)

Samples of this product were found to be defective in that they contained holes.

On May 31, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ gross of rubber prophylactics at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about April 12, 1938, from Denver, Colo., by Fall & Fall; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Xcello's the perfected latex * * * For Prevention of Disease.

On June 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29283. Adulteration and misbranding of rubber prophylactics. U. S. v. 32 Gross of Rubber Prophylactics (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41723, 42155, 42261, 42363. Sample Nos. 7666-D, 10919-D, 17401-D, 17402-D, 17404-D, 17405-D, 19384-D.)

Samples of these prophylactics were found to be defective in that they contained holes.

On various dates between February 19 and May 11, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 220½ gross of rubber prophylactics in various lots at Troy, N. Y., Richmond, Va., Louisville, Ky., and Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on various dates between December 2, 1937, and March 18, 1938, from Atlanta, Ga., by W. H. Reed & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Texide * * * L. E. Shunk Latex Products, Inc. Akron, Ohio"; "Majestic"; "Pan"; "Golden Pheasant"; "Red Pak."

The article was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Texide) "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease"; (Majestic) "For the Prevention of Contagious Diseases * * * Highest Quality of Prophylactics * * * Guaranteed Five Years * * * For Prevention of Disease"; (Pan) "Tested * * * Finest Quality * * * For Prevention of Disease * * * Guaranteed Perfect * * * Carefully tested * * * 100% Perfect * * * Guaranteed Merchandise"; (Golden Pheasant) " * * * finest prophylactics * * * for the Prevention of Disease * * * Guaranteed 5 Years"; (Red Pak) "For Prevention of Disease * * * Guaranteed For Five Years."

On various dates between April 7 and July 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29284. Adulteration and misbranding of rubber prophylactics. U. S. v. 25 Gross of Rubber Prophylactics (and 3 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 42148, 42149, 42151, 42030. Sample Nos. 9337-D, 23420-D, 23421-D, 23427-D.)

Samples of this product were found to be defective in that they contained holes.

On or about March 24 and April 12, 1938, the United States attorneys for the Western District of Washington and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts four libels praying seizure and condemnation of 184 gross of rubber prophylactics in various lots at Seattle, Wash., and Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about November 30, 1937, and January 12 and 13, 1938, from San Francisco, Calif., by Stowall & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease * * * Prophylactic * * * For Prevention of Disease * * * Super Fine * * * Positive Protection * * * Disease Preventative * * * for the Prevention of Contagious Diseases * * * Guaranteed Five Years * * * Air Tested * * * 100% * * * perfected * * * Guaranteed unconditionally for five years."

On April 14 and June 23, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29285. Adulteration and misbranding of rubber prophylactics. U. S. v. 8½ Gross and 10½ Gross of Rubber Prophylactics (and 1 similar seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 41918, 41919, 41933, 41934, 41940. Sample Nos. 10352-D, 10353-D, 10354-D.)

Samples of this product were found to be defective in that they contained holes.

On March 10 and 12, 1938, the United States attorney for the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 38½ gross of rubber prophylactics in various lots at Macon and Valdosta, Ga.; alleging that the article had been shipped in interstate commerce on or about February 28, 1938, from New York, N. Y., by Le Mars Rubber Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the statement in the labeling, "For Prevention of Disease," was false and misleading.

On April 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29286. Adulteration and misbranding of rubber prophylactics. U. S. v. 22 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41788. Sample No. 1319-D.)

Samples of this product were found to be defective in that they contained holes.

On or about February 19, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 gross of rubber prophylactics at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about January 21, 1938, from New York, N. Y., by Martin Glassman Corporation; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Texide * * * L. E. Shunk Latex Products, Inc. Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Prophylactics * * * Guaranteed Five Years * * * against deterioration under normal conditions * * * For the Prevention of Disease * * * Prophylactic * * * For Prevention of Disease."

On May 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29287. Adulteration and misbranding of rubber prophylactics. U. S. v. 5 Gross and 8 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42146. Sample Nos. 23419-D, 23422-D.)

Samples of this product were found to be defective in that they contained holes.

On April 12, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 gross of rubber prophylactics at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from Akron, Ohio, by L. E. Shunk Latex Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease * * * For Prevention of Disease * * * Prophylactic."

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29288. Adulteration and misbranding of rubber prophylactics. U. S. v. 29 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42193. Sample Nos. 23434-D, 23435-D.)

Samples of this product were found to be defective in that they contained holes.

On April 13, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gross of rubber prophylactics at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about December 14, 1937, from Chicago, Ill., by Hardy, Newman & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease * * * Prophylactic * * * For Prevention of Disease."

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29289. Adulteration and misbranding of rubber prophylactics. U. S. v. 17½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 43008. Sample No. 25924-D.)

Samples of this product were found to be defective in that they contained holes.

On July 1, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17½ gross of rubber prophylactics at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about May 28, 1938, from New York, N. Y., by the Mayfair Chemical Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Disease Preventative * * * Prophylactic * * * For Prevention of Disease."

On August 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29290. Adulteration and misbranding of rubber prophylactics. U. S. v. 8 Dozen Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41979, 41980, 42010. Sample Nos. 775-D, 776-D, 10169-D.)

Samples of this product were found to be defective in that they contained holes.

On or about March 22 and March 28, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 24½ dozen rubber prophylactics in various lots at West Palm Beach and Clearwater, Fla.; alleging that the article had been shipped in interstate commerce on or about February 7 and 17, 1938, from Atlanta, Ga., by A. G. Vining; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hygiene Brand" or "De Lux Silver Ray."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing on the respective labels were false and misleading: (Hygiene brand) "Disease Preventative * * * Hygiene"; (Silver Ray brand) "Guaranteed Five Years * * * Disease Preventative."

On May 4 and June 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29291. Adulteration and misbranding of prophylactics. U. S. v. 16 Dozen Prophylactics (and nine similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42164, 42191, 42202, 42206, 42207, 42223, 42257, 42258, 42302, 42341. Sample Nos. 2899-D, 12435-D, 14530-D, 17126-D, 17264-D, 18742-D, 22525-D, 25008-D, 28905-D, 29004-D.)

Samples of this product were found to be defective in that they contained holes.

On various dates between April 11 and May 9, 1938, 10 United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 885¾ dozen prophylactics in various lots at Hartford, Conn., San Francisco, Calif., Charlotte, N. C., Charleston, S. C., Jacksonville, Fla., Baltimore, Md., Washington, D. C., Los Angeles, Calif., Pittsburgh, Pa., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on various dates between November 6, 1937, and April 22, 1938, from New York and Long Island City, N. Y., by Julius Schmid, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling of one lot, "For the prevention of contagious diseases. * * * Complete security and greater ease of mind is assured by the new Non-Slip XXXX (Fourex) * * * For your protection * * * For Prevention of Disease," and the following statements appearing in the labeling of the remaining lots, "For Prevention of Disease * * * The ideal prophylactic * * * Your protection in purchasing any prophylactic is in asking for a proven and satisfactory brand by its name. * * * For Your Protection * * * for the prevention of contagious diseases," were false and misleading.

On various dates between June 28 and July 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29292. Adulteration and misbranding of rubber prophylactics. U. S. v. 73 1/2 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41917. Sample No. 769-D.)

Samples of this product were found to be defective in that they contained holes.

On or about March 11, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 1/2 dozen rubber prophylactics at Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about January 11, 1938, from Atlanta, Ga., by Specialty Sales Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Trayban."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: "Soldiers of Health * * * For Prevention of Disease * * * Guaranteed For 5 Years * * * Selected Tested Non Porous Smoke Test."

On June 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29293. Adulteration and misbranding of rubber prophylactics. U. S. v. 7 1/2 Gross and 7 1/2 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41805. Sample Nos. 14057-D, 14058-D, 14059-D.)

Samples of this product were found to be defective in that they contained holes.

On February 21, 1938, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 1/2 gross of rubber prophylactics at Portland, Maine; alleging that the article had been shipped in interstate commerce on or about November 19, 1937, from Baltimore, Md., by Chief Sales Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Chief" or "Admiration Brand."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling of the respective lots were false and misleading: (The Chief brand) "Disease Preventive Guaranteed Five Years * * * for the Prevention of Contagious Diseases * * *. For Prevention of Disease"; (Admiration brand) "Guaranteed for Five Years * * * For Prevention of Disease * * * Excellent Quality."

On March 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29294. Adulteration and misbranding of rubber prophylactics. U. S. v. 9 1/2 and 12 1/2 Gross of Rubber Prophylactics (and 1 similar seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 42003, 42085. Sample Nos. 10293-D, 10294-D, 24814-D.)

Samples of this product were found to be defective in that they contained holes.

On March 29 and April 4, 1938, the United States attorneys for the Western and Eastern Districts of North Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 69 1/2 gross of rubber prophylactics in various lots at Gastonia and Raleigh, N. C.; alleging that the article had been shipped in interstate commerce on or about December 13, 1937, and January 19 and February 21, 1938, from New York, N. Y., by Per-Zadi Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Genuine Liquid Latex LES," "X cello's," or "Nu-Pak."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements variously appearing in the labeling were false and misleading: "Guaranteed Five Years * * *

For Prevention of Disease * * * X cello's * * * the perfected latex * * * for the Prevention of Contagious Diseases * * * For the Prevention of Disease * * * Guaranteed For Five Years."

On May 16 and June 4, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29295. Adulteration and misbranding of rubber prophylactics. U. S. v. 16½ Gross of Rubber Prophylactics (and 3 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 41967, 42001, 42162, 42476. Sample Nos. 9817-D, 10292-D, 16988-D, 17415-D.)

Samples of this product were found to be defective in that they contained holes.

On various dates between March 19 and May 27, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 97½ gross of rubber prophylactics in various lots at Gaffney, S. C., Petersburg, Va., Lynchburg, Va., and Lebanon, Pa.; alleging that the article had been shipped in interstate commerce on various dates between February 7 and March 31, 1938, from New York, N. Y., by Magnet Merchandise Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Majestic Brand"; "Silver Skin"; "Texide * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements variously appearing in the labeling were false and misleading: " * * * represent the highest quality of prophylactics * * * sold for the prevention of contagious disease * * * Skin * * * Prophylactics * * * For Prevention of Disease * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For The Prevention of Disease * * * Prophylactic."

On various dates between April 27 and June 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29296. Adulteration and misbranding of rubber prophylactics. U. S. v. 7½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41909. Sample No. 10288-D.)

Samples of this product were found to be defective in that they contained holes.

On March 10, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7½ gross of rubber prophylactics at Rome, Ga.; alleging that the article had been shipped in interstate commerce on or about January 8, 1938, from New York, N. Y., by J. C. Allen Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statement on the carton, "For Prevention of Disease," was false and misleading.

On April 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29297. Adulteration and misbranding of rubber prophylactics. U. S. v. 15½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41633. Sample No. 7623-D.)

Samples of this product were found to be defective in that they contained holes.

On February 4, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15½ gross of rubber prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about July 23, 1937, from New York, N. Y., by Biddle Purchasing Co.; and charging adulteration and misbranding in violation of the

Food and Drugs Act. The article was labeled in part: "Tetratex. * * * L. E. Shunk, Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Prophylactic * * * For Medical Purposes Guaranteed Five Years Disease Preventative."

On May 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29298. Adulteration and misbranding of prophylactics. U. S. v. 11½ Gross of Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41636, 42328. Sample Nos. 7626-D, 14529-D.)

Samples of this product were found to be defective in that they contained holes.

On February 7 and May 9, 1938, the United States attorneys for the Districts of Connecticut and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 11½ gross and 19 dozen prophylactics in various lots at Hartford, Conn., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about November 22, 1937, and March 17, 1938, from New York, N. Y., by Woltra Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing respectively in the labeling of the two lots were false and misleading: "Stoutex For Prevention of Disease" and "Supreme Quality For Prevention of Diseases."

On May 9 and July 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29299. Adulteration and misbranding of rubber prophylactics. U. S. v. 11 Gross of Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42267, 42300, 42301. Sample Nos. 10925-D, 10930-D, 10931-D.)

Samples of this product were found to be defective in that they contained holes.

On April 4 and 28, 1938, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 45 gross of rubber prophylactics at Louisville, Ky.; alleging that the article had been shipped in interstate commerce on or about January 3 and March 12, 1938, from Akron, Ohio, in part by Peerless Rubber Co., and in part by Peerless Rubber Sundries; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "L. E. S. Liquid Latex."

It was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: "Prophylactic * * * Guaranteed Five Years * * * For the Prevention of Disease * * * Disease Preventative * * * Guaranteed 5 Yrs. * * * For Prevention of Disease."

On June 7, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29300. Adulteration and misbranding of prophylactics. U. S. v. 9 Dozen Prophylactics (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42117, 42203, 42204, 42209, 42284, 42285, 42286, 42303, 42342. Sample Nos. 10729-D, 10730-D, 10731-D, 12532-D, 13024-D, 14531-D, 22527-D, 25009-D, 29006-D.)

Samples of this product were found to be defective in that they contained holes.

On various dates between April 2 and May 9, 1938, seven United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15½ dozen

prophylactics in various lots at Newark, N. J., Charlotte, N. C., Jacksonville, Fla., Philadelphia and Pittsburgh, Pa., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on various dates between December 4, 1937, and March 28, 1938, from New York, N. Y., by Youngs Rubber Corporation, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Naturalamb Skins" or "Pioneer."

It was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: "For Prevention of Disease" and "For Prevention of Contagious Disease * * * Superior Quality."

On various dates between May 12 and July 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 29251-29300

| | N. J. No. | | N. J. No. |
|---|-----------|---|--|
| Ammonia, aromatic spirit : | | | |
| Fishgoll, E. J.----- | 1 29252 | Mentholated kerchiefs----- | |
| Missouri Products Co.----- | 1 29252 | La Puris Kerchiefs: | |
| Belding, Dr., Skin Remedin: | | East West Shippers----- | 29273 |
| International Stock Food Co.----- | 29253 | Sterilek Co.----- | 29273 |
| Savage, E. B.----- | 29253 | Sanettes: | |
| Belladonna ointment: | | San-Nap-Pak Manufacturing Co----- | 29258 |
| Blackman & Blackman, Inc.----- | 29260 | Minnequa Water: | |
| Blackman, T. A.----- | 29260 | Minnequa Springs----- | 29262 |
| Boric acid: | | Nature's Herb Tablets: | |
| Fishgoll, E. J.----- | 1 29252 | Washington Herb Co----- | 29255 |
| Missouri Products Co.----- | 1 29252 | Pinolator Treatment: | |
| Butler's Cod Liver Oil Ointment: | | Pinolator Co----- | 29267 |
| Anedemin Chemical Co.----- | 29269 | Pituitary extract obstetrical: | |
| Strong, Cobb & Co., Inc.----- | 29269 | Sharp & Dohme, Inc----- | 2 29271 |
| Cascara sagrada: | | Prophylactics: | |
| Fishgoll, E. J.----- | 1 29252 | Allen, J. C., Co----- | 29296 |
| Missouri Products Co.----- | 1 29252 | Biddle Purchasing Co----- | 29297 |
| Cascarets: | | Chief Sales Co----- | 29293 |
| Sterling Products, Inc.----- | 2 29251 | Fall & Fall----- | 29282 |
| Cherry compound with codeine, syrup: | | Fletcher Chemical Co----- | 29280 |
| Blackman & Blackman, Inc.----- | 29260 | Glassman, Martin, Corporation----- | 29286 |
| Blackman, T. A.----- | 29260 | Hardy, Newman & Co----- | 29288 |
| Cod-liver oil ointment: | | International Distributors----- | 29281 |
| Strong, Cobb & Co., Inc.----- | 29269 | Karg, F. G----- | 29279 |
| Dexene: | | Le Mars Rubber Co----- | 29285 |
| Guthrie, G. A.----- | 29272 | Magnet Merchandise Co----- | 29295 |
| Sanovapor Laboratories, Inc.----- | 29272 | Mayfair Chemical Co----- | 29289 |
| Walker, E. K.----- | 29272 | Peerless Rubber Co----- | 29299 |
| Epsom salt: | | Peerless Rubber Sundries----- | 29299 |
| Larche, A. A.----- | 29261 | Per-Zadi Products Co----- | 29294 |
| Larche Laboratories, Inc.----- | 29261 | Reed, W. H., & Co----- | 29283 |
| Rudolph, Jack----- | 29261 | Schmid, Julius, Inc----- | 29291 |
| Ether: | | Shunk, L. E., Latex Products, Inc----- | 29278, 29283, 29286, 29287, 29295, 29297 |
| Mallinckrodt Chemical Works----- | 29256 | Specialty Sales Co----- | 29292 |
| Merck & Co., Inc.----- | 29265 | Stowall & Co----- | 29284 |
| Flaxseed meal: | | Vining, A. G----- | 29290 |
| Fishgoll, E. J.----- | 1 29252 | Western Latex Co----- | 29278 |
| Missouri Products Co.----- | 1 29252 | Woltra Co., Inc----- | 29298 |
| Gauztex: | | Youngs Rubber Corporation, Inc----- | 29300 |
| General Bandages, Inc----- | 29276 | Saline-dextrose solution: | |
| Grape juice. <i>See</i> Lund's Magic of the Grape. | | Haver-Glover Laboratories----- | 29254 |
| Hydrogen peroxide: | | Sandalwood oil. <i>See</i> Santal Oil. | |
| Larche, A. A.----- | 29261 | Sanettes. <i>See</i> Mentholated kerchiefs. | |
| Larche Laboratories, Inc.----- | 29261 | Santal oil: | |
| Rudolph, Jack----- | 29261 | American Pharmaceutical Co., Inc----- | 29277 |
| Ingersoll's Gall-Stone Pills: | | Jamco Co----- | 29274 |
| Gall Stone Remedy and System Cleanser: | | Petroline Laboratories, Inc----- | 29257 |
| Ingersoll, G. A.----- | 29268 | Saxon Blackberry Cordial Compound: | |
| Ingersoll, G. A., Remedy Co.----- | 29268 | Royal Manufacturing Co. of Duquesne----- | 29270 |
| Lactium: | | Saxon Co----- | 29270 |
| Scientific Health Laboratories----- | 29275 | Sulphur: | |
| La Puris Mentholated Kerchiefs. <i>See</i> Mentholated kerchiefs. | | Fishgoll, E. J.----- | 1 29252 |
| Lund's Magic of the Grape: | | Missouri Products Co----- | 1 29252 |
| Lund, C. H.----- | 29264 | Thyroid tablets: | |
| Lund's Grape Juice Co----- | 29264 | Blackman & Blackman, Inc----- | 29260 |
| Magnesia, citrate of: | | Blackman, T. A.----- | 29260 |
| Larche, A. A.----- | 29261 | Trox Tablets: | |
| Larche Laboratories, Inc.----- | 29261 | Oxol Laboratories----- | 29259 |
| Rudolph, Jack----- | 29261 | Van-Tage: | |
| Magnesia, milk of: | | Huber, R. H.----- | 29263 |
| Certified Pharmacal Co----- | 29266 | Mosby, G. H.----- | 29263 |
| | | Van-Tage Medicine Co., Inc----- | 29263 |

¹ Prosecution contested.

² Contains an opinion of the court.

